

IN THE CIRCUIT COURT OF COOK COUNTY
CRIMINAL DEPARTMENT, CRIMINAL DIVISION

In re:)	Claim of Tony Anderson
ILLINOIS TORTURE INQUIRY)	2011.014-A
AND RELIEF COMMISSION)	(relates to Case Nos. 90 CR 11979, 11980,
)	11982, 11983, 11984, 11985, 11986, 11987,
)	11988, 11989, 11990, 11991, and 660648)

NOTICE OF FILING

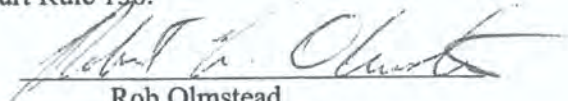
To: The Honorable Timothy C. Evans Chief Judge Circuit Court of Cook County 50 W. Washington Street, Suite 2600 Richard J. Daley Center Chicago, IL 60602	Anita Alvarez Cook County State's Attorney 50 W. Washington St. 5 th Floor Richard J. Daley Center Chicago, Illinois 60602
Hon. Stuart A. Nudelman Brian J. Stefanich Office of the Special State's Attorney 55 W. Wacker Drive, Suite 1400 Chicago, IL 60601 bstefanich@orourkeandmoody.com	David B. Owens The Exoneration Project at the University of Chicago Law School 6020 S. University Ave. Chicago, IL 60637 dbowens@uchicago.edu

PLEASE TAKE NOTICE that on May 21, 2015, the undersigned caused to be filed with the Clerk of the Circuit Court of Cook County, Criminal Department, 50 W. Washington St., 10th floor, Chicago, IL, pursuant to 775 ILCS 40/45(c), the "ORDER FOLLOWING REFERRAL TO THE COMMISSION BY CHIEF JUDGE EVANS" of the Illinois Torture Inquiry and Relief Commission in the following Claim. A copy of the Order is attached hereto and herewith served upon you:

Claim of Tony Anderson	TIRC Claim No. 2011.014-A Criminal Case Nos. 90 CR 11979, 11980, 11982 11983, 11984, 11985, 11986, 11987, 11988, 11989, 11990, 11991, and 660648
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A copy of the complete administrative record in the case will be filed with the clerk after it is reviewed for compliance with Illinois Supreme Court Rule 138.

Illinois Torture Inquiry and Relief Commission
James R. Thompson Center
100 W. Randolph St., Suite 10-300
Chicago, IL 60601
(312) 814-1094


Rob Olmstead
Staff Attorney

PROOF OF SERVICE

Rob Olmstead, an attorney, hereby certifies that he hand-delivered a copy of this Notice and the "ORDER FOLLOWING REFERRAL TO THE COMMISSION BY CHIEF JUDGE EVANS" to the Office of Chief Judge Timothy C. Evans on May 21, 2015, 50 West Washington St., Suite 2600, Chicago Illinois and to the Cook County State's Attorney's Office on the 5th floor at 50 W. Washington St, Chicago, Illinois. A copy of the same documents were served upon the Claimant's counsel and the Special State's Attorney by placing a copy in the United States Mail before 5:30 p.m. on May 21, 2015 and additionally by e-mailing copies to dbowens@uchicago.edu and bstefanich@orourkeandmoody.com, respectively.

A handwritten signature in black ink, appearing to read "Rob Olmstead", is written over a horizontal line.

Rob Olmstead, TIRC Staff Attorney

BEFORE THE TORTURE INQUIRY AND RELIEF COMMISSION

In re:

Claim of Tony Anderson

TIRC Claim No. 2011.014-A

ORDER FOLLOWING REFERRAL TO THE COMMISSION BY CHIEF JUDGE EVANS

Tony Anderson was arrested on April 18, 1990 for auto theft. Taken to the police station at 11th and State, he invoked his right to silence, and may have invoked his right to counsel. Anderson was then taken to Area 2 detective headquarters by Detective Michael McDermott.

McDermott testified he was told by the police at 11th and State that Anderson was “eager to talk” – despite Anderson’s invocation of the right to silence. At Area 2, Anderson signed a confession to a murder and confessed to other crimes under questioning by detectives from Areas 2 and 3. He was also identified in lineups by victims and witnesses from several of the crimes.

Anderson filed a motion to suppress, claiming that his confessions were procured by torture. Anderson claimed McDermott held a gun to his head, and that Detective Anthony Maslanka jabbed him with a nightstick in his thighs and back until Anderson agreed to confess. Anderson’s motion was denied, with the judge finding the police officers more credible than Anderson.

Anderson was convicted of attempted murder and armed robbery in one trial, and a separate armed robbery in another. A third trial was scheduled for Monday, August 5, 1991, but Anderson’s lawyer failed to appear. The lawyer was found in his apartment two days later, intoxicated, injured, and immobile, and sent to a hospital. The judge cautioned Anderson that he had severe reservations about the capacity of the lawyer to represent Anderson. Nevertheless, two days later, on Friday, August 7, the lawyer arrived in court. That day, apparently without further consultation with his attorney, Anderson pled guilty to a murder and ten additional crimes, in a negotiated plea. He was sentenced to 50 years in prison.

Anderson filed a claim of torture with the Illinois Torture Inquiry and Relief Commission (the “Commission” or “TIRC”), raising facts consistent with his testimony in his motion to suppress. On May 20, 2013, the Commission filed a Case Disposition, referring Anderson’s claim to the Circuit Court of Cook County for judicial review. *See* 775 ILCS 40/1 *et seq.* (the “TIRC Act”).

After the case was referred to the Circuit Court, counsel for Anderson and for the Special State’s Attorney^{1/} did not agree as to which of Anderson’s thirteen convictions had been referred to Court by the Commission. The Chief Judge of the Circuit Court, Hon. Timothy C. Evans, entered an Agreed Order on July 15, 2014, asking the Commission to clarify the Case Disposition.

The Special State’s Attorney and counsel for Anderson have now agreed on the referral of seven of the 13 cases, and continue to disagree about six others. The Commission decides today that

^{1/} Hon. Stuart Nudelman has been appointed the Special State’s Attorney for this case.

12 of the 13 cases – all of the cases except for an attempted escape charge as to which there was no confession – are referred to the Circuit Court.

I. STATUS OF AGREEMENT AND DISAGREEMENT BETWEEN THE STATE AND THE CLAIMANT AS TO THE CASES.

In each of the seven cases that the Special State's Attorney and Anderson agree should be referred to court, the confession was either introduced at trial or mentioned in the plea colloquy:

Case Number	Offense	Trial/Plea	Incident/Date
90 CR 11979	1st-degree murder	Plea	Cox shooting—3/30/90
90 CR 11984	Attempt murder, armed robbery	Bench Trial	11613 S. Halsted Trak Auto — 4/15/90
90 CR 11987	Armed robbery	Plea	L. Chheda — 4/8/90
90 CR 11989	Armed robbery	Plea	Honnecker — 3/8/90
90 CR 11990	Armed robbery	Plea	Halsted liquor — 4/13/90
90 CR 11991	Armed robbery	Plea	Beauty shop: Ford Gilliam/Carter— 4/4/90
90 CR 660648	Armed robbery	Plea	Stefani, Suranski @ gas station-4/17/90

In the remaining six cases, there is either uncertainty about whether a confession occurred, or whether a confession was used to obtain the conviction. In these cases, there remains a disagreement between the State and Anderson:

Case No.	Offense	Trial /Plea	Incident/Date	Statement Made?	Statement Used?
11980	Armed robbery	Plea	Brand/Cephus/ Mattie 3/30/90	Anderson contends oral statement	No document reflects introduction in proceeding
11982	Atmpd. escape	Plea	4/20/90	NO	No statement alleged.
11983	Atmpd. first -degree murder	Plea	Lazzarotto shooting 4/7/90	YES	Included in Official Statement of Facts.
11985	Armed robbery	Jury Trial	7354 S. Stony Island Trak Auto 4/15/90	YES	ASA said would be introduced if Anderson testified
11986	Atmptd. 1 st -degree murder	Plea	Jerome Wright shooting 3/17/90	Anderson contends oral statement	No document reflects introduction in proceeding
11988	Armed Robbery	Plea	Marva Hall/Huerta 3/23/90	Anderson contends oral statement	No document reflects introduction in proceeding

II. SUMMARY OF THE COMMISSION'S DETERMINATION.

The determination of which cases should be referred to court turns on the application of the TIRC Act's requirements that the claimant was "tortured into confessing to the crime for which the person was convicted and the tortured confession was used to obtain the conviction." 775 ILCS

40/5(1). The six matters that are still disputed, identified in the last chart, can be divided into fact patterns raising three questions. These questions, and the Commission's answers, are:

CASE	FACT PATTERN	QUESTION	TIRC ANSWER
11985	ASA told the court the State would not seek to introduce the confession at trial unless the defendant took the stand.	Was a confession "used to obtain the conviction" when the defendant was discouraged from testifying at trial because of the prospect that it would be used to cross-examine him?	Yes, on the facts of this case.
11980 11983 11986 11988	Defendant confessed and pled guilty, but there was no reference in the plea colloquy to the confession.	Was a confession "used to obtain the conviction" when the defendant has pled guilty, if the prosecutor did <i>not</i> refer to the confession in the plea colloquy?	Yes, on the facts of this case.
11982	Defendant did not confess to the crime, but guilty pleas to cases where defendant had confessed were negotiated and entered at the same time.	Was a person "tortured into confessing to the crime for which . . . [he] was convicted and the tortured confession . . . used to obtain the conviction" if a confession in another case could have affected the defendant's decision to plead guilty?	No, because he wasn't "tortured into confessing to the crime for which . . . [he] was convicted.

III. FACTUAL BACKGROUND PRIOR TO THE CLAIM OF TORTURE BEFORE TIRC.

A. Anderson's Arrest and Interrogation.

On April 18, 1990, two police officers followed a car in Chicago. The officers testified that they checked the car's registration, and found it to be stolen. The officers stopped the car and questioned Tony Anderson, his wife, and Robert Allen (a/k/a Reginald Bragg). The officers found a gun in a coat in the back seat, at Allen's feet.^{2/}

Anderson and Allen were arrested for auto theft and taken to the police station at 11th and State. Anderson was read his rights. Anderson claimed he invoked his right to silence and repeatedly asked to call family to contact a lawyer. One of the arresting officers, Patrick Brosnan, testified that Anderson did invoke his right to silence. Brosnan did not recall if Anderson asked for a phone call, but conceded that "he may have."

All questioning did not stop. Instead, Anderson was taken to Area 2 detective headquarters, where he was questioned about a number of crimes *other* than the allegedly stolen auto. Detectives from both Areas 2 and 3 questioned Anderson. Anderson claims he was threatened by Det.

^{2/} See *People v. Allen*, 268 Ill. App. 3d 279, 282, 645 N.E.2d 263 (1st Dist. 1994)(discussing the arrest). Anderson has claimed that the car was not stolen, and that the auto theft charge was dropped.

McDermott and beaten by Det. Maslanka, and was coerced into making incriminating statements. He also claims he repeatedly asked to make a phone call to obtain counsel.

At Area 2, Anderson made one or more statements implicating himself in many offenses committed in March and April 1990. Files reviewed by the Commission show that Anderson signed a written confession to the murder of Leonard Cox, and confessed to at least eight other crimes. In addition, Robert Allen signed a written statement implicating Anderson in the murder. At least 16 witnesses identified Anderson. Anderson was indicted on over 100 charges in 13 separate cases.

B. The Motion to Suppress.

On behalf of Anderson, the public defender filed a written motion to suppress. The motion claimed that Anderson had (a) invoked his right to silence and counsel, (b) been struck in the ribs by a stick, and (c) been threatened with a gun to his head, but (d) had not been advised of his rights.

Judge Karnezis held a suppression hearing beginning on March 19, 1991, and concluding on May 1, 1991.^{3/} In the hearing, Detective Brosnan testified that Anderson invoked his right to silence at the police station at 11th and State, where he was questioned on the auto theft charge.^{4/} Dets. McDermott and Gallagher testified that they took Anderson to Area 2, where detectives from Areas 2 and 3 questioned him about other crimes.^{5/} Det. McDermott testified that officers at the State Street police station did *not* tell him that Anderson had invoked the right to remain silent. Rather, they said Anderson was “eager to talk.” See Exhibit 2. All officers denied Anderson was abused.^{6/}

Anderson testified that he repeatedly asked to make a call to his family to obtain counsel. He said that he was not threatened or hit at 11th and State, but was coerced into making incriminating statements at Area 2, where he was questioned throughout the night. He testified that McDermott placed a gun to his head and threatened to “blow [his] damn brains out” if he did not confess. Anderson also said that Maslanka jabbed him in the chest, rib, and back with his night stick, estimating he was hit “over 12 times,” because he was crying in pain.^{7/}

^{3/} The suppression hearing was described in an appeal of a post-conviction proceeding. *People v. Anderson*, 2006 WL 3833003 (1st Dist. Dec. 22, 2006), *op. withd'n on denial of reh'g and substituted*, 375 Ill. App. 3d 121, 872 N.E.2d 581 (1st Dist.), *leave to appeal denied*, 226 Ill.2d 589, 879 N.E.2d 932 (2007).

^{4/} See Exhibit 1 for Brosnan's testimony about the right to silence (5/1/91 Tr. at 123).

^{5/} Detective McDermott said the transfer was around 9 p.m.; Det. Gallagher said around midnight.

^{6/} McDermott's testimony is at 4/29/91 Tr. at 53; Gallagher's testimony at 4/30/91 Tr. at 103.

^{7/} All of the details of Anderson's testimony may not be credible. (5/1/91 Tr. at 3 *et seq.*) For example, Anderson said that he was not permitted to use the bathroom until he was transferred to the County Jail. He also testified that no one advised him of his *Miranda* rights. Further, Anderson was given a physical examination prior to his admission to the county jail, but no bruises were present at that time.

At the close of the hearing, Judge Karnezis denied Anderson's motion to suppress, finding that his statements were given "freely and voluntarily without coercion or threat or compulsion of any kind." The Court found that based on the totality of evidence, defendant "was advised of his rights numerous times" and was "not in anyway threatened or abused." The Court also noted that "the evidence we choose to accept * * * [is] the testimony of the police officers indicating that he was at no time abused or physically threatened." 375 Ill. App. 3d at 127.

C. The Trials.

Anderson went to trial in two of the cases. In 90 CR 11984, Anderson was found guilty of attempted murder, armed violence, and armed robbery at a Trak Auto store three days before his arrest. Anderson's oral confession was used against him.^{8/} Anderson was sentenced to three concurrent terms of 25 years imprisonment.^{9/}

At the beginning of the trial in 90 CR 11985, Anderson's lawyer said he had just been informed an oral statement was made by Anderson and asked if it would be introduced. The Asst. State's Attorney said that it would not, unless Anderson testified. (See Ex. 3.) Anderson did not testify, so the confession was not introduced. Anderson was convicted and sentenced to 25 years, concurrent to the sentence imposed in 11984.

D. The Conduct of Retained Counsel Prior to Entry of the Guilty Pleas.

Trial was set for Monday, August 5, 1991, before Judge Karnezis in the first degree murder case, No. 11979. Thomas Hoffa, who had been retained as counsel by Anderson's family, did not appear. After Hoffa did not appear on Tuesday, August 6, Judge Karnezis issued a bench warrant.^{10/}

On Wednesday, an Asst. State's Attorney and the Judge reported that they had spoken with Hoffa's neighbor, who said that Hoffa was injured, his face was swollen, and he appeared to be sedated and unable to go to court. An investigator from the State's Attorney's office was in Hoffa's

^{8/} McDermott testified that Anderson said that he and Allen drove to the store armed with a gun, that a scuffle broke out between Allen and Scott Volk, and that Allen placed the gun to the back of Volk's head and fired once. McDermott also testified that Anderson told him that shooting Volk "wasn't necessary."

Anderson's confession was corroborated. Volk testified Anderson grabbed Volk by the arm and led him to the back of the store while Allen held a gun to the back of Volk's head. Volk said Anderson punched him in the face at least five times. Allen shot Volk; Anderson then took the keys to the cash drawer from Volk. The gun in the car was identified as the gun used in the robbery. Two employees of the store also identified Anderson. See *People v. Anderson*, slip op. at 3, 6-7 No. 91-1867 (1st Dist. July 12, 1994).

^{9/} Allen was also convicted in 11984, see *People v. Allen*, 260 Ill. App. 3d 1113, 675 N.E.2d 659 (Table)(1st Dist. 1994), as well as in other robberies. See *People v. Allen*, 268 Ill. App. 3d 279, 645 N.E.2d 263 (1st Dist. 1994); *People v. Allen*, 268 Ill. App. 3d 947, 645 N.E.2d 270 (1st Dist. 1994).

^{10/} Excerpts of the transcript from August 5, 6, and 7 are attached as Exhibit 4.

apartment, and said that Hoffa had a gash on the side of his head. Hoffa was described as bruised, disoriented, intoxicated, and unable to move. The investigator called an ambulance, and reported that the paramedics thought Hoffa would be hospitalized for a while. *Id.* at 9.

Judge Karnezis addressed Anderson:

I don't know what to tell you, Mr. Anderson.

It would be this Court's opinions, and it is just my opinion, that Mr. Hoffa is not now nor will he be in the near future in a position to represent you in this case.

I am— So you know, I am very hesitant to, you know, to get between, as it were, an attorney and his client. I don't know that that is really my function. But, I wanted you to be aware of a lot more facts than we were aware of yesterday. [8/7/90 Tr. at 6-7 (emphasis added).]

Judge Karnezis then commented on the consequences of an absent lawyer, and asked if Anderson wanted Hoffa to continue to represent him. Anderson said that he did.

Judge Karnezis and the ASA said they had last spoken with Hoffa on Friday, August 2. The ASA said that Hoffa had not heard if Anderson would plead guilty, and that Hoffa assumed the case would be tried. *Id.* at 7. Judge Karnezis continued the case to August 9 for an update. *Id.* at 11.^{11/}

E. The Guilty Pleas.

On Friday, August 9, 1991, Hoffa appeared in Court. The transcript reflects no on-the-record inquiry into Hoffa's condition. Hoffa said he had conferred with the prosecutor on July 26, and with Anderson on July 30, but there was no statement concerning any consultation after August 2.

Anderson then pled guilty to charges in the eleven remaining cases.^{12/} The ASA said there were witnesses who would identify Anderson in each case. In addition, there was evidence that Anderson possessed the gun used in the murder.^{13/} The prosecutor also mentioned Anderson's

^{11/} Anderson's sister, Diane Collins, approached the bench to say that the family didn't realize Hoffa was unreliable. Judge Karnezis said he understood, adding "you would have to be a little goofy to retain somebody and for him not to come to court." Judge Karnezis said that if Hoffa didn't come on Friday, Anderson could ask for time to retain his own attorney, or request the Public Defender. He noted however, that the State and he had been ready for trial, and expressed impatience with the wasted time. *Id.* at 11.

^{12/} The cases included one count of first degree murder (90 CR 11979), two counts of attempted first degree murder (Nos. 11983 and 11986), eight counts of armed robbery (Nos. 11780, 11987, 11988, 11989, 11990, 11991, and 660648), and one count of attempted escape (No. 11982). *See* Exhibit 5.

^{13/} In the trial of Robert Allen in 11987, the "drug store robbery," a victim testified Anderson pointed a gun at him and removed cash from the register. *See People v. Allen*, 377 Ill. App. 3d 938, 940, 880 N.E.2d 223 (1st Dist. 2007). In a 2003 post-conviction petition, Allen admitted to participating in a series of robberies with Anderson, but claimed that Anderson instigated the robberies. 377 Ill. App. 3d at 944-45.

confession to six of the charges.^{14/} In exchange for Anderson's guilty plea, the State recommended a 50-year sentence for the murder; 30-year sentences for attempted murder; 30-year sentences for armed robbery; and a 5-year sentence for attempted escape, all to run concurrently (but consecutively to the sentences in 11984 and 11985).

Judge Karnezis explained the nature of the charges and the sentences, and said that there had been extensive negotiations about the plea. He also said that the first degree murder case was not a death penalty case. Anderson said that he understood, and he voluntarily pled guilty.

F. The Appeal.

Anderson appealed his conviction for attempted first degree murder in 11984, but he did not appeal the denial of his motion to suppress. The conviction for attempted murder was affirmed, though another count was vacated. *People v. Anderson*, No. 91-1867 (1st Dist. July 12, 1994). Anderson did not appeal his conviction for armed robbery in 11985.

G. The Post-Conviction Petitions.

Anderson filed four post-conviction petitions. They were all denied without a full hearing.^{15/}

- In 1991, Anderson moved to vacate his guilty pleas, claiming (1) they were "coerced," (2) he didn't understand he couldn't receive the death penalty, and (3) he didn't know he could receive consecutive sentences. Judge Karnezis treated the motion as a post-conviction petition and denied it as frivolous, noting that Anderson pled guilty after a full explanation and had not filed an appeal from his sentence. Anderson did not appeal the dismissal.^{16/}
- In 2000, Anderson alleged that he had been deprived of effective assistance of counsel when counsel "coerced" him to plead guilty by saying that if he proceeded to trial, he would receive the death penalty. Anderson also argued that counsel was ineffective for failing to file any motions, and for appearing drunk in court on the day of his guilty pleas. Judge James B. Linn dismissed the petition as frivolous, noting that Anderson had "intelligently waived his chance to have a different lawyer represent him." The Appellate Court affirmed.^{17/}

^{14/} The prosecutor mentioned confessions in Nos. 11979, 11989, 11991, 11987, 11990, and 60648. In a case summary written for IDOC, the prosecutor also referred to a confession in No. 11983.

^{15/} A convicted person is usually limited to one post-conviction petition. See *People v. Anderson*, 402 Ill. App. 3d 1017, 931 N.E.2d 715 (1st Dist.), *leave to appeal denied*, 238 Ill.2d 655, 942 N.E.2d 455 (2010).

^{16/} Judge Karnezis initially dismissed the motion. The dismissal was reversed for procedural flaws. See *Anderson*, 375 Ill. App. 3d at 128-29. Judge Karnezis then dismissed the petition on remand. No appeal was filed from the second dismissal.

^{17/} *People v. Anderson*, No. 1-00-2338, 328 Ill. App. 3d 1084, 817 N.E.2d 217 (1st Dist. 2002)(unpublished order)(claims of ineffective assistance of counsel were barred because they were identical to claims rejected in Anderson's original petition), *leave to appeal denied*, 201 Ill. 2d 576 786 N.E.2d 187 (2002).

- In 2004, Anderson sought leave to file a post-conviction petition for his guilty plea to first degree murder in 1979. Anderson alleged his confession was coerced, and that there was newly-discovered evidence that coerced confessions (including by Detectives McDermott and Maslanka) were routine at Areas 2 and 3. Judge Linn denied the motion, noting that the voluntariness of Anderson's confession had been adjudicated, all issues had been waived, and the plea had been negotiated. The Appellate Court affirmed, ruling that Anderson had waived the claim that the confession was coerced by failing to raise it in an appeal or in his prior post-conviction petitions. 375 Ill. App. 3d at 142-43.^{18/}
- Anderson filed a motion in 2008, covering all of his guilty pleas. For the first time, he claimed actual innocence; he alleged again that his guilty pleas were made as a result of police coercion and ineffective assistance of counsel. Judge Linn denied leave to file the petition. The Appellate Court affirmed, ruling that Anderson's claim that he had been coerced by his lawyer to plead guilty had already been decided.^{19/} The court found the new allegations of police torture – including findings by Special Prosecutor Egan against McDermott in the Pinex case^{20/} – were insufficiently similar to Anderson's claim to justify a successive petition. The court also held that since Anderson had pled guilty and there was at least one eyewitness to each crime, Anderson would not have been found innocent at a trial. *Id.* at 1038-39.

IV. THE CLAIM OF TORTURE BEFORE THE COMMISSION.

In May 2011, Anderson submitted a claim of torture to this Commission, claiming that Det. McDermott put a gun to his head and threatened to kill him if he did not confess, and that Det. Maslanka had jabbed him in his back and ribs with a police night stick until he confessed “to a crime he didn’t commit . . .” In the claim, Anderson listed convictions in case numbers 11984 and 11985.

On May 20, 2013, the Commission issued a Case Disposition finding there was “sufficient evidence of torture to conclude the Claim is credible and merits judicial review for appropriate relief.” In the Case Disposition, the Commission referred to the fact that Anderson had been convicted in 13 cases. The Commission noted that Anderson's claim had been consistent since his motion to suppress; there were many claims of misconduct against Dets. McDermott and Maslanka;

^{18/} The Appellate Court noted that Anderson pled guilty, and there was corroborating evidence. 375 Ill. App. 3d at 141. It rejected a claim that there was newly discovered evidence of Burge-related torture. *Id.* at 136. It also rejected a claim that Anderson's counsel was ineffective for failing to investigate torture under Burge, saying the pattern of torture was not widely known at the time of the plea. The Court also said Anderson waived a claim that the State failed to disclose information about other torture. *Id.* at 145-47.

^{19/} *Anderson*, 402 Ill. App. 3d at 1029. The Appellate Court also noted that the (allegedly tortured) confession was only mentioned by the prosecutor as supporting 6 of the 11 guilty pleas.

^{20/} The July 2006 Report of Special Prosecutor Egan found that there was evidence to find Dets. Maslanka and McDermott guilty beyond a reasonable doubt for aggravated battery, perjury, and obstruction of justice in the interrogation of Alphonso Pinex at Area 2 on June 28, 1985. The Report also found, however, that Anderson's claims could not be supported due to a lack of physical and medical corroboration, his failure to raise his claims in all of his post-conviction proceedings, and his failure to cooperate.

Special Prosecutor Egan's 2006 Report had found sufficient evidence to indict Detectives McDermott and Maslanka in the Pinex matter; and both detectives had taken the Fifth Amendment when asked about abusing detainees.^{20/} The claim of torture was referred to Chief Judge Evans of the Circuit Court of Cook County for assignment to a trial judge for further proceedings.

V. REFERRAL OF THE CLAIM BACK TO TIRC BY THE AGREED ORDER.

On July 30, 2013, Chief Judge Evans ordered that Petitioner's Claim be referred to the Circuit Court for "all proceedings consistent with the Illinois Torture Inquiry and Relief Commission Act." Chief Judge Evans' referral order listed case numbers 90 CR 11984 and 11985.

Anderson's counsel filed a motion in the Circuit Court concerning the scope of the referral. Following briefing, Chief Judge Evans entered an Agreed Order referring the claim back to TIRC "for the purpose of determining whether the issues raised in the Motion, a copy of which is attached to and made a part of this order, require clarification of the TIRC's Disposition of the Claim."^{21/}

VI. CURRENT POSITIONS OF THE PARTIES BEFORE THE COMMISSION.

After the matter was referred by the Chief Judge, TIRC staff requested that the parties submit supplemental filings. Anderson's counsel appeared before the Commission on Sept. 17, 2014, and filed additional papers. The Commission also subpoenaed records from the Chicago Police Dept.

As noted above, the Special State's Attorney and counsel for Anderson have now agreed that case numbers 90 CR 11979, 11984, 11987, 11989, 11990, 11991, and 660648 should be referred to

^{20/} The Case Disposition noted that there was some credible evidence Anderson was tortured, and that the claim merited judicial review. In addition to the evidence noted in May 2013, the fact that Det. McDermott testified that he was told that Anderson was "eager to talk," when Det. Brosnan testified that Anderson had asserted his right to silence, raises a question as to whether police testimony about the interrogation at Area 2 may not have been truthful. While officers are free under many circumstances to resume interrogation about a different crime after the invocation of the right to silence, *see Michigan v. Mosley*, 423 U.S. 96 (1975), they are not generally free to resume interrogation after the invocation of the right to counsel, *see, e.g., People v. Schuning*, 399 Ill. App. 3d 1073, 928 N.E.2d 128 (2d Dist. 2010)(analyzing cases). The varying testimony about Anderson's invocation of his rights makes more credible his claims that he (1) repeatedly requested a phone call to family to contact a lawyer, and (2) was threatened and coerced.

The Commission makes no judgment that Anderson was innocent of any of the crimes, or that he is in general a credible witness. Nevertheless, the circumstances support the conclusion that, under the standard provided by the TIRC Act, Anderson's claim of torture merits judicial review.

^{21/} Anderson asked C.J. Evans to amend the July 30 referral Order to include all 13 cases. Special Prosecutor Nudelman's argued that the referral should be limited to 11984, 11979, 11987, 11989, 11990, 11991, and 660648. Anderson's Reply asked that 11985 also be referred. Before C.J. Evans, Anderson agreed that cases where a confession was not mentioned in the plea colloquy could be deemed as not referred. Counsel for Anderson have advised TIRC they did not intend to waive the referral of those cases, but were willing to accept a partial referral as a compromise. They argue here that all should be referred.

the Circuit Court by the Commission. Counsel still disagree on cases 11980, 11982, 119893, 11985, 11986, and 11988 (shown in the chart on the bottom of p.2).

A. Anderson's Position.

Counsel for Anderson argue that all 13 cases should be referred to Court. They say:^{22/}

- Anderson did confess in 11985, and was deterred from taking the stand because of the State's assertion that it would introduce the confession. *See* Exhibit 3. Further, there is no procedure for TIRC to un-refer 11985, which has been referred to Court.
- A confession is "used to obtain" a conviction whenever that confession could have been admitted in any proceeding — whether or not the confession was to the crime of conviction.
- As a factual matter, Anderson was charged in all 13 cases because of his coerced statement. The confession could have been used against him in any of the cases.
- Anderson is serving sentences for all 13 cases, so a determination of torture would affect his release in each case – even cases where the confession was not used.
- There was a single negotiation leading to a single agreement covering all 11 guilty pleas.
- The Commission should in any event refer all of the cases to Court so the Court can determine whether a claim is torture-related, under 775 ILCS 40/50(a).

B. Special State's Attorney's Position.

Counsel for the Special State's Attorney argue that the only cases that should be referred are those in which (1) Anderson actually confessed to the crime for which he was convicted; and (2) the State used that confession in that case, either by submitting it as evidence at trial or submitting it as part of the factual basis of a guilty plea. In an Aug. 10, 2014 Position Statement, they argue:

- Any confession made by Anderson to the armed robbery in case 11985, was not introduced,^{23/} so no confession was used to obtain the conviction.
- By referring the claim of torture back to TIRC for clarification, the Agreed Order created a procedure to "unrefer" 11985.
- The 5 cases in which Anderson pled guilty but no confession was mentioned in the factual basis should not be referred to court, because a confession was not "used to obtain the conviction." Also, it is not clear from the record that Anderson confessed to those crimes.

^{22/} Anderson filed a Brief with the Commission on Aug. 1, 2014, and supplemented it with filings on Sept. 17, 2014, and Dec. 3, 2014.

^{23/} While *People v. Anderson*, 375 Ill. App. 3d at 991 n.1, suggests "that in the present case no inculpatory statements were made by defendant with regard to the Halsted store robbery," it appears from Exhibit 3 that Anderson made a statement that was not introduced as evidence.

- There wasn't a global plea. The plea colloquy shows that the parties and the court "discussed each and every one of these cases. We discussed the facts in each case." See Ex. 5 at A17. Since the factual basis and sentence were separate, all cases need not be referred.
- Courts view guilty pleas as final. A defendant gives up his right to challenge a coerced confession by pleading guilty. Since Anderson's convictions for the eleven guilty pleas rest on his admission of guilt in open court, the claims should not be referred to court.^{24/}

VII. COMMISSION'S ANALYSIS OF THE QUESTIONS PRESENTED.

A. The Statutory Background.

1. The TIRC Act is an Extraordinary Remedy.

The Commission starts from the premise that the TIRC Act is a special remedy designed to address claims of torture related to Jon Burge and officers who had been under his supervision:

Sec. 10. Purpose of Act. This Act establishes an extraordinary procedure to investigate and determine factual claims of torture [775 ILCS 40/10.]

The Commission was created to address these claims even if they had not succeeded in prior appeals or post-conviction proceedings. See 775 ILCS 40/50 (relief in TIRC proceeding is separate from any other post-conviction proceeding).^{25/}

2. Any Claim Must Fall within the Definition of a Claim of Torture.

Under the TIRC Act, the Commission has jurisdiction to investigate claims of torture. The statute contains the following definition of a "claim of torture:"

(1) "Claim of torture" means a claim on behalf of a living person convicted of a felony in Illinois asserting that he was tortured into confessing to the crime for which the person was convicted and the tortured confession was used to obtain the conviction and for which there is some credible evidence related to allegations of torture committed by Commander Jon Burge or any officer under the supervision of Jon Burge. [775 ILCS 40/5(1) (emphasis added).]

^{24/} The Special State's Attorney cites *McMann v. Richardson*, 397 U.S. 759, 771 (1970); *United States v. Johnson*, 878 F. Supp. 1135, 1138 (N.D. Ill. 1995), and *People v. Bowman*, 335 Ill. App. 3d 1142, 1151 (5th Dist. 2002). See also *Tollett v. Henderson*, 411 U.S. 258, 267 (1973). Although the State noted an argument that none of the guilty plea cases present a "claim of torture" because the defendant's in-court admissions (and not his confession) were used to obtain his convictions, the State agreed that the 6 guilty pleas in which the confession was part of the factual basis for the plea could be referred to court in this case.

^{25/} The fact that Anderson did not list all 13 claim numbers is not dispositive. The Commission does not believe that a claim is limited to the information placed on the initial claim form, which did not ask for all relevant data. Also, claim forms were usually filled out by convicted persons, and not lawyers.

Anderson clearly meets several of these requirements. He is a living person, convicted of a felony in Illinois, who asserts he was tortured. The questions presented as to each count are:

- Was Anderson tortured into confessing *to the crime for which he was convicted*?
- Was the *tortured confession used to obtain the conviction*?

3. Referral Provisions and Court Remedies.

Under the TIRC Act, the Commission can refer cases to the Circuit Court of Cook County:

If the Commission concludes there is sufficient evidence of torture to merit judicial review, the Chair of the Commission shall request the Chief Judge of the Circuit Court of Cook County for assignment to a trial judge for consideration. [. . .] *Notwithstanding the status of any other postconviction proceedings relating to the petitioner, if the court finds in favor of the petitioner, it shall enter an appropriate order with respect to the judgment or sentence in the former proceedings and such supplementary orders as to rearraignment, retrial, custody, bail or discharge, or for such relief as may be granted under a petition for a certificate of innocence, as may be necessary and proper.* [775 ILCS 40/50(a) (emphasis added).]

B. Principles of Statutory Construction.

To interpret the TIRC Act, the Commission looks to the rules of statutory construction articulated by the Illinois Supreme Court:

When construing a statute, our primary objective is to ascertain and give effect to the intent of the legislature. [. . .] The most reliable indicator of legislative intent is the statutory language, given its plain and ordinary meaning. [. . .] In determining the statute's plain meaning, we consider the subject it addresses and the legislature's purpose in enacting it. [Citations omitted.]

BAC Home Loans Serv., LP v. Mitchell, 2014 IL 116311, ¶38, 6 N.E.3d 162 (Ill. 2014).^{26/}

C. What Does the Definition of Claim of Torture Mean as Applied to These Questions?

Looking at the plain language of the statute, the Commission believes that a convicted person has claimed he was “tortured into confessing to the crime for which the person was convicted and the tortured confession was used to obtain the conviction” when:

- a person has been found guilty of a crime, either by a verdict or a guilty plea;

^{26/} “The best indication of legislative intent is the statutory language, given its plain and ordinary meaning. . . . Where the language is clear and unambiguous, we must apply the statute without resort to further aids of statutory construction.” *Krohe v. City of Bloomington*, 2013 IL 94112, ¶3, 789 N.E.2d 1211 (2003). Only when a statute is ambiguous will the court “look to aids of statutory construction, including legislative history and established rules of construction.” *BAC Home Loans*, 2014 IL 116311, ¶38.

- the person has made an incriminating statement (or been said to have made an incriminating statement) relating to that crime; and
- the tortured confession was a significant element that led to the verdict or plea.

The last element is a question that must be resolved on the facts of each case.

1. The Meaning of “Conviction.”

The Commission believes that the word “conviction” in the statute includes either a verdict or a guilty plea. Illinois law defines “conviction” as including a guilty plea: “‘Conviction’ means a judgment of conviction or sentence entered upon a plea of guilty or upon a verdict or finding of guilty of an offense” 720 ILCS 5/2-5. *Accord*, 730 ILCS 5/5-1-5.

2. The meaning of being “tortured into confessing to the crime for which the person was convicted.”

A claim of torture cannot, under the plain language of the TIRC Act, be within the Commission’s jurisdiction if it does not involve a tortured confession “to the crime for which the person was convicted.”^{27/} A claim of torture to some other crime – even if it is used as part of the state’s case against a defendant – is not within the plain language of the statute.

3. The meaning of “the tortured confession was used to obtain the conviction.”

The Commission believes that the phrase “the tortured confession was used to obtain the conviction” must turn on the facts of each case. In any particular case, the tortured confession must have been used, that is, it must have had some role in, obtaining the conviction.^{28/} If a tortured confession is mentioned as the only evidence supporting a guilty plea, the Commission will view it presumptively as being “used to obtain the conviction.” The failure of a prosecutor to mention a tortured confession as part of the evidence supporting a plea may mean that it was not “used to obtain the conviction,” but other facts in a particular case may lead to a different conclusion.

D. The Application of the Commission’s Analysis to the Disputed Cases.

1. The Trial for Armed Robbery in No. 11985.

Anderson and the Special State’s Attorney have disagreed over whether Case No. 11985, the trial for armed robbery where the confession was not introduced, should be referred to Court. The Commission agrees with Anderson that the confession was “used to obtain the conviction.”

^{27/} The Commission has defined the meaning of “tortured confession” by regulation. 20 IAC §2000.10.

^{28/} See *People v. Wrice*, 2012 IL 111860, *43, 962 N.E.2d 934, 945 (2012)(introduction of tortured confession at trial is not harmless error).

Exhibit 3 shows that the State's Attorney advised Anderson's lawyer and the Judge that Anderson had made an oral statement (which was apparently a confession), and that it would be introduced if Anderson took the witness stand. The Commission believes that an express statement that a confession would be used for impeachment would deter a defendant from testifying at trial,^{29/} and that the deterrence would be of significant benefit to the prosecution. The Commission therefore finds that this case falls within the language "used to obtain the conviction."

2. The Guilty Pleas in the Cases where the Confession Was Not Mentioned in the Plea Colloquy.

(a) Anderson likely confessed to all of the cases, except for the attempted escape case.

The Commission concludes that Anderson likely confessed to all of the cases (except for the attempted escape). It reaches this conclusion for several reasons:

- Anderson has told the Commission that he did.
- The Chicago Police Department has failed to locate and produce complete records showing the scope of all of Anderson's confessions. The Department says the records of most of the non-murder cases were likely destroyed under routine procedures. Nevertheless, the absence of the records – at best – is neutral, and could be construed against the position of the State.^{30/}
- The existence of a document confirming a confession in a case where a confession was not mentioned in the plea colloquy, Exhibit 3, shows that Anderson's confessions were not limited to those mentioned in the plea colloquy.
- Since the charges were brought following the same interrogation, the Commission presumes that there was a confession leading to all the charges (except for the attempted escape, which occurred after the interrogation).

(b) On the facts of this case, the confessions were used to obtain the guilty pleas in every case except the attempted escape.

The Commission agrees with the Special State's Attorney that guilty pleas are normally not subject to collateral attack in post-conviction proceedings, since the plea waives a claim that a confession was coerced. That rule does not, however, apply to TIRC proceedings, for two reasons. First, as discussed at pp. 12-13 above, the TIRC Act provides an extraordinary remedy, separate from a post-conviction remedy. Second, the plain language of the Act allows the referral to Court of a claim of torture arising from any "conviction" within the definition of claim of torture that merits

^{29/} There is nothing improper, in the Commission's view, with an Assistant State's Attorney acting within the law and noting that a (non-coerced) confession that is not being introduced could be used to impeach the defendant if the defendant takes the stand. The question here is one of the meaning of statutory language.

^{30/} The Commission does *not* believe that City officials are acting in bad faith in failing to locate these records. (The Department has produced some records from non-murder cases that were of similar age.)

judicial review. Since the word “conviction” is defined by Illinois statutes as including guilty pleas, *see* p. 14 above, TIRC’s jurisdiction is not limited to claims of torture arising from trials.

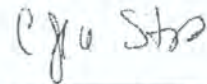
Referral is particularly appropriate here, since the circumstances surrounding Anderson’s guilty pleas, *see* pp. 5-7 above, suggest that Anderson was not represented by competent counsel at the time of his plea.^{31/} Given the unusual facts, it is a fair inference that Hoffa was not prepared for trial of the murder case on August 5th or 9th, and may have had an incentive to advise Anderson to plead guilty to all outstanding charges that was not based solely on Anderson’s best interests.

It is also clear that the plea agreement for all charges was interrelated. They all arose from the same conference, and were entered at the same time. *See* Exhibit 4. The fact that each charge was reviewed separately does not change the relationship. The Commission therefore finds that all of the guilty pleas in cases where Anderson confessed should be referred to Court.

CONCLUSION

For the reasons stated above, the Commission clarifies its Case Disposition and refers Case Numbers 90 CR 11979, 11980, 11983, 11984, 11985, 11986, 11987, 11988, 11989, 11990, 11991, and 660648 to the Circuit Court.^{32/} Case 11982 is not within the Commission’s referral.

DATE: May 20, 2015



Cheryl Starks, Chair
Illinois Torture Inquiry and Relief Commission

^{31/} *See McMann*, 397 U.S. at 767-73 (holding that a guilty plea waived a claim of a coerced confession depended on the effectiveness of competent counsel). This is not to say that Anderson was “coerced” into pleading guilty. As the Appellate Court noted, Anderson’s claim that he believed he would get the death penalty if he didn’t plead guilty is inconsistent with the record of the plea. Further, the State’s offer benefitted Anderson by limiting his total sentence.

^{32/} The Commission does not express any opinion as to the scope of the remedy that the Circuit Court may grant should it find in favor of Anderson. Each party is free to argue whether the Court should vacate any judgment based on a conviction arising from the same arrest. *See* 775 ILCS 40/50(a).

EXHIBIT 1

1 Halsted here in Chicago, Illinois, April 15th, 1990.
2 sir?

3 A No.

4 Q At anytime after the Defendant was advised
5 of his constitutional rights per Miranda by your
6 partner, Detective Gregory Sellers, did the Defendant
7 at anytime ask to have an attorney present, sir?

8 A No.

9 Q Did at anytime the Defendant, Tony
10 Anderson, tell you that he wished to remain silent?

11 A Yes, he did, at one time, yes.

12 Q And what point is that, sir?

13 A We separated them after awhile and we
14 started to ask him a couple more questions and he just
15 said, I don't want to say nothing.

16 Q At any time did either you or your partner
17 or anyone in your presence strike Tony Anderson with a
18 police stick or billyclub in the ribs or the thighs or
19 any part of his body at all, sir?

20 A No.

21 Q At anytime were there any verbal threats
22 made against the Defendant, Tony Anderson?

23 A No.

24 Q At anytime did either you or your partner

1 or any person in your presence, put a gun to the
2 Defendant Tony Anderson's head?

3 A No.

4 Q At anytime did either you or any of your
5 fellow officers in your presence or any that you know
6 of in anyway physically threaten or harm the Defendant
7 or psychologically coerce him in any manner as you
8 were talking to him, sir?

9 A No.

10 MR. OWEN: I have nothing further, Judge.

11 CROSS EXAMINATION

12 BY

13 MR. HEENAN:

14 Q Detective Brosnan, good afternoon?

15 A Good afternoon.

16 Q You first came in contact with Tony
17 Anderson earlier that day, correct?

18 A That's correct.

19 Q At the arrest of Mr. Anderson, correct?

20 A Yes, sir.

21 Q Did you advise Mr. Anderson at that time of
22 these rights?

23 MR. OWEN: Objection, Judge.

24 THE COURT: I'll let him answer that?

1 THE WITNESS: No.

2 MR. HEENAN:

3 Q To your knowledge no one else had advised
4 him of Tony Anderson's rights at the time of his
5 arrest, correct?

6 MR. OWEN: Objection, Judge, beyond the scope,
7 Judge, there's no conversations.

8 THE COURT: Yeah, overruled.

9 THE WITNESS: No, we just informed him why he was
10 being arrested.

11 MR. HEENAN:

12 Q You did not transport Mr. Anderson to 11th
13 and State, is that right?

14 A No.

15 Q So, you next see Mr. Anderson at what time?

16 A It was approximately an hour after the
17 arrest, the stop, approximately, could have been less,
18 fifteen minutes.

19 Q What time would that be, approximately?

20 A 6:15. I believe it was.

21 Q And where is Mr. Anderson when you see him
22 then, at 6:15?

23 A He's on the tenth floor at 1121 S. State in
24 the squadroom cuffed to the wall.

1 Q And what's the dimensions of that room?

2 A Approximately fourteen by nineteen.

3 Q Now, you indicated both Anderson and Allen
4 were handcuffed together?

5 A That's correct.

6 Q Together?

7 A No, they were each handcuffed to a ring,
8 the same ring.

9 Q One ring, they were both handcuffed to it?

10 A Yes.

11 Q And were they allowed anything to eat or
12 drink during this period of time?

13 MR. OWEN: Objection, Judge.

14 THE COURT: Overruled.

15 MR. HEENAN:

16 Q That they were in that room?

17 A Yeah, we let them go to the washroom and
18 get a drink of water.

19 Q How did they get a drink of water?

20 MR. OWEN: Objection, Judge.

21 THE COURT: Overruled.

22 THE WITNESS: He was uncuffed and the water
23 fountain is right next to where the ring was.

24

1 MR. HEENAN:

2 Q Now, detective, how long did Mr. Anderson
3 remain in that room handcuffed, to your knowledge?

4 A Two hours, maybe three.

5 Q And your conversations with Mr. Anderson
6 lasted for how long a period of time?

7 A Off and on, twenty minutes, you know,
8 through the period.

9 Q Were you present at the reading of the
10 rights in that room?

11 A Yes, yes, I was, sir.

12 Q Now, you indicated that Mr. Anderson did
13 not speak orally answer to each right, isn't that
14 correct?

15 A To my knowledge, in some, I remember him
16 nodding, he could have said yes, too, or you know,
17 but I did hear him say yes, on a number of occasions.
18 also.

19 Q How many rights did Mr. Anderson merely
20 nod respond by nodding?

21 MR. OWEN: Objection.

22 THE COURT: Objection sustained.

23 MR. HEENAN:

24 Q Well, how many rights did Mr. Anderson not

1 respond to orally?

2 MR. OWEN: Objection, Judge.

3 THE COURT: Sustained.

4 MR. HEENAN:

5 Q Okay, you indicated that he responded by
6 nodding, how did he know?

7 MR. OWEN: Objection, Judge.

8 THE COURT: Overruled. Indicating in an up and
9 down motion with his head.

10 MR. HEENAN:

11 Q And how many rights was it that he
12 responded to in that manner?

13 MR. OWEN: Objection, Judge.

14 THE COURT: Sustained.

15 MR. HEENAN:

16 Q Other than nodding, how did he respond to
17 the rights?

18 MR. OWEN: Objection, Judge.

19 THE COURT: Through that now, let him answer one

20 THE WITNESS: And yes.

21 MR. HEENAN:

22 Q Do you recall how many of the rights he
23 answered yes to?
24

1 MR. OWEN: Objection, Judge.

2 THE COURT: Sustained.

3 MR. HEENAN:

4 Q Well, you indicated that Mr. Anderson
5 informed you that he wished to remain silent, exercise
6 his right to remain silent, correct?

7 A Yes, sir.

8 Q Was that while the rights were read to him?

9 A Yes, sir, I believe it was.

10 Q And he indicated that to you, spoke that to
11 you, correct, spoke those words or a summary that he
12 wished to remain silent?

13 A Detective Sellers was reading him his
14 rights in front of him, sir, I was on the other side
15 of the room, not on the --

16 Q Mr. Anderson said as to remaining silent,
17 what?

18 A That he wanted to remain silent.

19 Q How many rights was he asked, or informed
20 of, indicating to you that he wished to remain

21 A All the rights.

22 Q Yes.

23 A Read again.

1 Q How many?

2 A None.

3 Q How long did you speak to him after, how
4 long a period of time did you speak to him after he
5 indicated to you that he wished to remain silent?

6 A What do you mean by speak to him, sir?

7 Q Conversations of any sort?

8 A Conversation of any sort?

9 Q Yes.

10 A Asked him if he wanted to go to the
11 washroom after a period of time, asked him other, you
12 know, just general questions, was that you said a

13 hundred and eighty pounds, I believe, you know, things
14 like that, sir, just general conversations.

15 Q What time was it that he indicated to you
16 that he wished to remain silent?

17 MR. OWAN: Objection, Judge.

18 THE COURT: Overruled.

19 THE WITNESS: He couldn't give you an approximate
20 time, maybe it was twenty-five minutes
21 after he arrived at the office, which was, I believe,
22 was about 1:30 hours, so approximately twenty-
23 twenty-five minutes after we straightened everything
24 out and got specifics out of the way and articles.

Q Just, detective, if you could?

A Twenty-five minutes, sir, I would reply.

Q Six?

A 6:45, 6:40.

Q Mr. Anderson asked for a phone call, is that correct?

A I don't specifically recall that, sir, he may have.

Q He asked to call his home, isn't that correct?

A I don't specifically remember that, sir, he may have.

Q Was Mr. Anderson given an opportunity to make a phone call while he was in that room with you?

MR. OWEN: Objection, Judge, beyond the scope of the motion.

THE COURT: Well, I don't know about that, overruled.

THE WITNESS: Can he repeat the question again?

THE COURT: Go ahead.

(Last question repeated.)

THE WITNESS: I can't really recall, sir, if he was when I was in the room.

1 MR. HEENAN:

2 Q Was he given any food, Mr. Anderson, was he
3 given --

4 A No.

5 Q Were you present when Mr. Anderson was
6 removed from that room?

7 MR. OWEN: Objection, Judge.

8 THE WITNESS: Yes.

9 MR. HEENAN:

10 Q Who?

11 MR. OWEN: Objection, Judge.

12 THE COURT: Sustained.

13 MR. HEENAN: I have no further questions, thank
14 you detective.

15 RE-DIRECT EXAMINATION

16 BY

17 MR. OWEN:

18 Q Detective, when you indicated that the

19 Defendant wished to remain silent, is that at the

20 beginning of your conversations with him, sir, for a

21 moment?

22 A Yes, rather, he was read his rights, we

23 asked him about the, certain questions about the

24 vehicle, and also his name, his address and other

1 particular information that we now needed, he
 2 responded to those questions and periodically in
 3 regards to asking him his height, weight, date of
 4 birth, we also asked him about the car and where he
 5 got it and he indicated, you know, from a friend and
 6 things like that, and as we got further into the
 7 conversations, which was a short period of time, he
 8 then said, I don't want to say anything further.

9 Q And your questions were directed, then,
 10 concerning the vehicle with which the Defendant had
 11 been arrested while being a passenger, is that
 12 correct?

13 A That's correct, the vehicle and the weapon
 14 that was recovered in that vehicle.

15 Q And again at no time did you ever ask the
 16 Defendant any questions concerning the robbery at the
 17 Trax Auto Store, is that correct, sir?

18 A No, sir.

19 MR. OWEN: I have nothing further.

20 MR. HERNAN: I have no further questions, thank
 21 you.

22 THE COURT: Thank you, you may step down.

23 (Witness excused.)

24

EXHIBIT 2

1 A. That's correct.

2 Q. -- prior to getting to the Area 2 Office,
3 is that correct?

4 A. Yes.

5 Q. Now, did you speak to other officers at
6 11th and State?

7 A. Yes, I did.

8 Q. Were you informed by those other officers
9 that Mr. Anderson had indicated that he wished to
10 remain silent, that he had indicated that to other
11 officers at 11th and State?

12 A. Just the opposite. As I recall, they said
13 he was eager to talk.

14 Q. Okay.

15 Now, who was it that said to you that he --
16 that he, Mr. Anderson, was eager to talk?

17 MR. OWEN: Objection, Judge.

18 THE COURT: He may answer.

19 A. There was several detectives. I couldn't
20 tell you the name, but it would be the detectives who
21 arrested him said something along the lines that he
22 wants to talk.

23 MR. HEENAN:

24 Q. What time was it, sir, that those officers

1 told that you Mr. Anderson was eager to talk?

2 A. The time we were there. I can't
3 specifically say, from 9:00, 10:00, that evening.

4 Q. What time was it that you left 11th and
5 State, if you recall?

6 MR. OWEN: Objection, Judge.

7 THE COURT: I am sorry. The question was, what
8 time did they leave 11th and State?

9 MR. HEENAN: Yes.

10 THE COURT: Overruled.

11 A. I couldn't specifically say. I know it was
12 in the vicinity -- in the area of 9:00, 10:00, that
13 night.

14 MR. HEENAN:

15 Q. Now, you indicated at the Area 2 Offices at
16 111th Street, you had an ongoing or continuing
17 interview or conversations with Mr. Anderson?

18 A. Yes, sir.

19 Q. And it wasn't until -- strike that.

20 What time was it that you advised him of
21 his rights at Area 2, 111th Street station?

22 A. Shortly after we arrived, and I would say
23 approximately, 11:00. It was before midnight.

24 Q. And you were the officer that advised Mr.

1 Anderson?

2 A. Yes, sir.

3 Q. Was Detective Gallagher present at the time
4 of this?

5 A. Yes, he was.

6 Q. Those rights were given or spoken to Mr.
7 Anderson, correct?

8 A. Yes.

9 Q. They were not given to Mr. Anderson in any
10 type of written form, is that correct?

11 A. Not then, no.

12 Q. Now, did you have a conversation with Mr.
13 Anderson after giving him those rights?

14 A. Yes, I did.

15 Q. Now, this conversation, ongoing
16 conversation lasted for how long in total period of
17 time?

18 MR. OWEN: I'm going to object. I believe that
19 again their motion lies to this particular statement.

20 THE COURT: We understand that. We understand
21 that. Respectfully, we're going to overrule the
22 objection. You may answer.

23 A. I was there the entire night. Initially,
24 when we talked to him, we spoke and then periodically

EXHIBIT 3

1 whole thing in now and we are not asking the Court to do
2 that. Whatever Your Honor wishes the State to do. I
3 know it's indicated that it would allow the State -- or
4 at least start today and indicate that it would allow or
5 deny the motion. Whatever Your Honor wishes the State
6 will abide by it. I am sure Your Honor will follow the
7 law in making its ruling.

8 THE COURT: I will take a look at that case and I
9 will reserve ruling as to limiting any presentation by
10 the State of facts involved in the other matter.

11 What else?

12 MR. HEENAN: Judge, next is my question as to the
13 tendering of the alleged statement by Mr. Anderson
14 that was not tendered previously to today. My motion
15 in limine is to keep evidence of that statement out of
16 the trial. If the Court is going to allow it in, I would
17 need time to properly prepare this and, also, have a
18 motion to suppress that statement.

19 THE COURT: State, is there any statement in this
20 case?

21 MR. OWEN: Judge, there is an oral statement to a
22 detective. I think Your Honor knows, Judge, we won't
23 even put it in, in the interest of fairness to the
24 Defendant. I assumed that he had this, Judge. If he

1 hasn't had it, I am not going to use it.

2 THE COURT: You are not going to put on any evidence
3 as to that?

4 MR. OWEN: No.

5 THE COURT: I would only caution you that you make
6 sure you make that clear to your witness so that we
7 don't have any slips.

8 MR. OWEN: All right. Judge, I would indicate,
9 though, that if the Defendant should testify in this
10 matter --

11 THE COURT: That's different. That's different.

12 MR. OWEN: I want that clear.

13 THE COURT: I am sure Mr. Heenan knows that.

14 MR. HEENAN: I believe the Court is indicating if
15 Mr. Anderson should testify in this matter, then the
16 Court would have -- the State has indicated that they
17 would renew their motion to present evidence to somehow
18 rebut any testimony of Mr. Anderson.

19 THE COURT: And we would consider that at that
20 point. Sure. Sure. What else?

21 MR. HEENAN: Judge, if the Court recalls, the Court
22 heard a motion to quash arrest and suppress evidence.
23 I understand there was one arrest and the Court has --

24 THE COURT: Yes.

EXHIBIT 4

IN THE CIRCUIT COURT OF COOK COUNTY
COUNTY DEPARTMENT-CRIMINAL DIVISION

THE PEOPLE OF THE)	
STATE OF ILLINOIS,)	CASE NO. 90 CR 11979, 80, 82,
)	83, 86, 87, 88, 89,
Plaintiff,)	90, 91, and 90CR60648
)	
vs.)	Criminal
)	
TONY ANDERSON A/K/A)	Charge:
JOSEPH MC KENZIE,)	
)	
Defendant.)	

REPORT OF PROCEEDINGS had before the Honorable
THEMIS N. KARNEZIS, Judge of said court on the 5th day of
August, A.D. 1991.

APPEARANCES:

HONORABLE JACK O'MALLEY,
State's Attorney of Cook County, by:

MR. JOEL DE GRAZIA and
MS. ADRIENNE MEBANE,
Assistant State's Attorneys,
for the People of the State of Illinois.

Shirley E. Thompson
Official Court Reporter
2650 South California Ave.
Chicago, Il. 60608

WHEREUPON the following proceedings were had,
to wit:

THE CLERK: The People of the State of Illinois
versus Tony Anderson.

THE COURT: Pass it.

(Case passed and recalled.)

THE COURT: Good morning, ladies and gentlemen. My
name is Themis Karnezis. You have been called here today,
possibly prematurely, because I was assuming about an
hour ago that the attorney, one of the attorneys would be
present.

We have not yet seen that attorney so there
is not much we can do until that individual arrives. I
would ask if you would bear with us for just a few
moments.

If that individual is not present then I will
release you for lunch and have you come back after you
have had lunch.

What can I say? I am here.

We will take a brief recess.

MR. DE GRAZIA: Thank you, Judge.

(Whereupon a short recess was had
and the case was reconvened.)

THE COURT: Well, I don't know where he is. I'm

going to ask you ladies and gentlemen to please return here at approximately one-thirty or so. Maybe even a little later. One forty-five. This is room 606.

Please don't forget the room number.

Thank you very much.

(Whereupon a luncheon recess was had and the case was reconvened.)

THE COURT: Good morning, or good afternoon,

Mr. Anderson:

MR. ANDERSON: Afternoon.

THE COURT: Have you talked with your attorney at all, sir?

I don't know where he is.

MR. ANDERSON: He was supposed to be here today.

THE COURT: We have been waiting. We have had the respective jurors up here at eleven forty-five and I had them sitting and waiting and have called the number we have and it's an answering machine but we haven't heard anything.

As soon as he comes we are ready to go. I don't know what to tell you, okay.

MR. ANDERSON: All right.

THE COURT: Okay. Thank you.

(Case passed and recalled.)

THE COURT: Okay. The People of the State of Illinois versus Tony Anderson.

The matter was set for trial today.

State, have you heard from Mr. Anderson's attorney?

MS. MEBANE: No, Your Honor, and I did in fact call him and leave a third message and that was an hour and a half ago.

THE COURT: I don't know what to tell you, Mr. Anderson. I'm going to hold this on until tomorrow.

That's all I can do.

State, I assume you indicated to your people to be available?

MS. MEBANE: That's correct. They will all be available.

THE COURT: I don't know what else we can do. Just hold on until tomorrow.

State, I don't know what else you can do but attempt to contact Mr. Hoffa and I believe Mr. Anderson's people are in the courtroom. I don't know where he is. I don't know what happened.

That's not right, you know. I mean we are not unreasonable but I feel at least we deserve a phone call or something to know what's going on.

MS. MEBANE: Your Honor, the State has prepared at this time a rule to show cause.

THE COURT: That's fine. We will consider that tomorrow.

You can bring it up with you tomorrow and we will consider the only appropriate action to be taken.

Thank you very much. That will be the order.

MS. MEBANE: Thank you, Your Honor.

(Whereupon the matter was
continued to August 6, 1991.)

1 STATE OF ILLINOIS)
2) SS:
3 COUNTY OF COOK)

4 IN THE CIRCUIT COURT OF COOK COUNTY
COUNTY DEPARTMENT-CRIMINAL DIVISION

5 THE PEOPLE OF THE)
6 STATE OF ILLINOIS) Case No. 90 11979-83
7) 90 11986-91
8) 90 66048
9 vs) Before: JUDGE THEMIS N.
10) KARNEZIS
11 TONY ANDERSON) August 6, 1991

12 CONTINUANCE

13 RECORD OF PROCEEDINGS had in the hearing of the
14 above-entitled cause.

15 APPEARANCES:

16 HON. JACK O'MALLEY,
17 State's Attorney of Cook County, by
18 MS. ADRIENNE MEBANE,
19 Assistant State's Attorney,
20 appeared on behalf of the People of
21 the State of Illinois;
22 MR. RANDOLPH N. STONE,
23 Public Defender of Cook County, by
24 MR. JEFFREY GINSBURG,
Assistant Public Defender,
appeared on behalf of the Defendant.

ROCHINA V. CHOLEWA
Official Court Reporter
2650 S. California
Chicago, Illinois 60608

	<u>LIST OF WITNESSES</u>	<u>DX</u>	<u>CX</u>	<u>RDY</u>	<u>RCX</u>	<u>RDY</u>
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1 THE COURT: Tony Anderson, please.

2 How are you doing, Mr. Anderson? Did
3 you by any chance speak with your attorney.

4 DEFENDANT ANDERSON: My wife supposedly got in
5 touch with him yesterday.

6 THE COURT: And?

7 DEFENDANT ANDERSON: He should be here today.

8 THE COURT: Very good. What we are going --
9 State, have you talked with Mr. Hoffa?

10 MS. MEBANE: No, your Honor.

11 THE COURT: Bench warrant. Prepare it right
12 now.

13 I want people out on the street
14 yesterday to get him. I want him here.

15 MS. MEBANE: Yes, your Honor.

16 THE COURT: Prepare a bench warrant.

17
18 * * * * *

19
20 THE COURT: Bring out Mr. Anderson, please.

21 Okay, Mr. Anderson. I don't know
22 what to say. I just, I am at a loss as to what to
23 do.

24 I have asked Mr. Ginsburg to ask your

1 family if they have talked with him and they have
2 advised Mr. Ginsburg that they spoke with him on
3 Thursday but have not spoken with him since.

4 They have made numerous calls and we
5 have.

6 Now you know I have -- I don't know
7 what to do. I am just -- The only thing I can do is
8 just hold it on day to day. That is all I can do
9 until we get him in here.

10 We will just hold it on, hold it on
11 to tomorrow, 8/7/'91 as to all matters.

12 I will make it Order of Court. The
13 record is clear there is no problem with the term in
14 this case. 8/7/'91.

15 Hold on one second. Please bring him
16 back out here. Bring out Mr. Anderson; back out.

17 Mr. Anderson, I don't know, you know,
18 I didn't allow you a chance to say anything.

19 About the only thing that I can think
20 of doing is to recall Mr. Heenan and put him back
21 into the case. I mean he is at least very familiar
22 with all your cases.

23 Now I don't know what your view or
24 your feeling is about that.

1 DEFENDANT ANDERSON: Well I would like to have a
2 few more days to get in touch with him because this
3 is wrong with what he is doing.

4 THE COURT: To get in touch with Mr. Hoffa?

5 DEFENDANT ANDERSON: Right.

6 THE COURT: Okay. You know, I don't know what
7 else I can say.

8 Okay. We will see how it goes. We
9 are trying very hard to get in touch with him, too;
10 okay.

11 DEFENDANT ANDERSON: Uh-hum.

12 THE COURT: Okay. We will wait a couple days, I
13 guess. Maybe tomorrow, 8/7 as to all of them, the
14 six that will be the order.

15 (Which were all the proceedings had
16 at the hearing of the above-entitled
17 cause. Case continued to 8/7/'92.)

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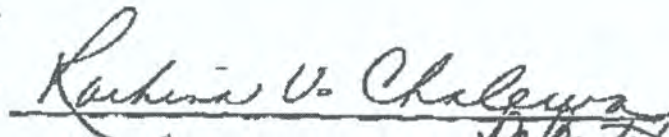
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2 STATE OF ILLINOIS)
3) SS:
4 COUNTY OF COOK)

5 I, ROCHINA V. CHOLEWA, Official
6 Court Reporter of the Circuit Court of Cook County,
7 County Department-Criminal Division, do hereby
8 certify that I reported in shorthand the proceedings
9 had in the above-entitled cause, that I thereafter
10 caused to be transcribed into typewriting the above
11 Report of Proceedings which I hereby certify is a
12 true and correct transcript of the proceedings had
13 before the Honorable THEMIS N. KARNEZIS, Judge of
14 said Court.

15
16 
17 Official Court Reporter of the
18 Circuit Court of Cook County
19
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1 DATE OF HEARING: August 7, 1991

2 PAGE NUMBERS: 1 to 12

3

4 LIST OF WITNESSES DX CX RDX RCX RDX

5 Continuance-----3

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1 THE COURT: Mr. Tony Anderson.

2 Please have a seat, Mr. Anderson.

3 This matter comes on call having been held
4 on call from day to day, set for trial on Monday.

5 There was no appearance by Mr. Hoffa, Mr.
6 Anderson's attorney.

7 We held it on to Tuesday. Once again there
8 is no appearance by Mr. Hoffa and I might indicate
9 also no phone calls or no communications from Mr.
10 Hoffa, at least to me.

11 It is my understanding that there was some
12 communication with someone yesterday by Assistant
13 State's Attorney Mebane.

14 Is that correct, Miss Mebane?

15 MS. MEBANE: That is correct.

16 THE COURT: Would you please advise the court as
17 to the nature of that communication?

18 MS. MEBANE: Your Honor, I talked with Mr. Jim
19 Mahoney, who is the next door neighbor of Thomas
20 Hoffa, the attorney in the Anderson case.

21 He informed me that Thomas Hoffa was using
22 his telephone and Thomas Hoffa did not have a
23 telephone.

24 He originally indicated to me when I first

1 called Mr. Hoffa was out of his apartment.

2 I left a message for him to give to Mr.
3 Hoffa. He did later come back or called me back and
4 he indicated on his second call that Mr. Hoffa had
5 some injuries and that his face was swollen and
6 there was some bruises on his face and that he
7 believed him to be sedated and unable to appear in
8 court.

9 Mr. Mahoney indicated to me at that time
10 that he would make every effort to appear in court
11 today with Mr. Hoffa.

12 Since then I have had some further
13 conversations with Mr. Mahoney on today's date.

14 THE COURT: Would you please advise the Court as
15 to the nature of those communications?

16 MS. NEBANE: Mr. Mahoney called me and he
17 indicated that our investigator was there.

18 I also spoke with Mr. Mahoney's wife who
19 indicated our investigator was in fact there in Mr.
20 Hoffa's apartment.

21 I told them that if they would be kind
22 enough to let our investigator, let her use their
23 telephone I would like to speak with her.

24 I spoke with our investigator who indicated

1 Mr. Hoffa was in his apartment; he did have a gash
2 in the side of his head, he did have bruises and
3 swelling to his face, that he was intoxicated, that
4 he was disoriented, and that he was unable to move
5 or walk.

6 She did indicate to me that she also had
7 called an ambulance to take Mr. Hoffa to the
8 hospital.

9 THE COURT: Okay. When was that communication?

10
11 MS. MEBANE: Your Honor, that communication was
12 approximately forty-five minutes ago; about 10:15
13 A.M..

14 THE COURT: So to the best of your knowledge Mr.
15 Hoffa is going to be taken to a hospital?

16 MS. MEBANE: That is correct, your Honor.

17 THE COURT: Did your investigator indicate
18 whether his inability to move about was due to a
19 physical injury or was she -- did she not know?

20 MS. MEBANE: Your Honor, she was not sure, but
21 she did believe it was due to the intoxication
22 because he was oriented. She was not able to
23 ascertain the extent of his injuries.

24 THE COURT: Okay.

1 I wanted to do all of this in open court,
2 Mr. Anderson, with you present, and to make you
3 aware that we -- we, meaning myself-- I have had
4 communication with Mr. Hoffa -- no communications
5 with Mr. Hoffa. I did not talk with him.

6 I did this morning speak very briefly with
7 Mr. Mahoney, who apparently is a neighbor and friend
8 of Mr. Hoffa's.

9 He indicated to me that Mr. Hoffa had
10 suffered some type of injury.

11 He did not know what the injury was; he did
12 not know how he had suffered the injury.

13 He indicated to me that Mr. Hoffa was
14 unable to come to court today.

15 I indicated that I wanted to talk to Mr.
16 Hoffa.

17 I don't know what to tell you, Mr.
18 Anderson.

19 It would be this Court's opinions, and it
20 is just my opinion, that Mr. Hoffa is not now nor
21 will he be in the near future in a position to
22 represent you in this case.

23 I am-- So you know, I am very hesitant to,
24 you know, to get between, as it were, an attorney

1 and his client. I don't know that that is really
2 my function. But, I wanted you to be aware of a lot
3 more facts than we were aware of yesterday.

4 I believe yesterday one of your family
5 members indicated to the Assistant State's Attorneys
6 or the Assistant Public Defender their last
7 communication with Mr. Hoffa was Thursday of last
8 week. So, almost a week ago.

9 I believe I also, and, Miss Mebane, can you
10 confirm this -- Well, did you not talk to Mr. Hoffa
11 on Friday?

12 MS. MEHANE: I did speak with him last Friday.

13 THE COURT: What did he indicate to you at that
14 time?

15 MS. MEHANE: He told me that he had not heard
16 from his client as to whether or not he would be
17 pleading guilty; that he assumed it would be going
18 to trial and we should have the case ready.

19 I told him we would in fact be ready to try
20 the case.

21 THE COURT: Well, I don't know what your
22 position is, Mr. Anderson.

23 DEFENDANT ANDERSON: Give him a chance to get
24 here.

1 THE COURT: Give him a chance to get here?

2 Fine.

3 How about if I continue it for about a
4 year?

5 You don't care. Time is nothing. But it
6 sure is something to the Court.

7 We have a court here that we have to try
8 and work with and we have certain procedures and we
9 set aside certain days to have cases tried.

10 When somebody does not give us any
11 information and does not even show us the courtesy
12 of a call that disrupts the Court.

13 That means that there are days when I am
14 supposedly being paid and I am not working. That is
15 not right. That is not right to you as a person of
16 the State of Illinois or your family or the other
17 individuals who have cases pending in this
18 courtroom.

19 The only thing I can suggest is that when--
20 You want Mr. Hoffa to continue to represent you, Mr.
21 Anderson?

22 DEFENDANT ANDERSON: Yes.

23 THE COURT: Knowing everything you have heard?

24 DEFENDANT ANDERSON: Yes.

1 THE COURT: Very good. Friday, for an updated
2 report.

3 I am going to ask the State to follow up
4 with their investigator. The bench warrant is still
5 there.

6 MS. MEBANE: Yes, your Honor.

7 I told them to hold off.

8 THE COURT: Just hold off on that. We can do
9 that at any time. That is no problem. That is
10 easy.

11 That is an administrative, administerial
12 task that we can do at any time.

13 MR. DeGRAZIA: The paramedics seem to think he
14 will be there for a while.

15 THE COURT: Fine.

16 Yes, ma'am, your name?

17 MS. COLLINS: Diane Collins.

18 I would just like you to know that is my
19 brother, okay, and he hired Mr. Hoffa and we had no
20 idea that --

21 THE COURT: I am sure you didn't or you wouldn't
22 have hired him.

23 MS. COLLINS: So we are trying to see if he can
24 represent him still or give us enough time to get

1 someone else because we didn't know.

2 You know what I mean?

3 THE COURT: And, Miss Collins, I am not for a
4 minute, I mean you would have to be a little goofy
5 to retain somebody and for him not to come to court.
6 That is why you pay him.

7 MS. COLLINS: We didn't think he was unreliable
8 like that. We didn't know that.

9 THE COURT: I understand.

10 I am not for one minute indicating that is
11 the case.

12 We will continue it to Friday and wait to
13 hear what we can find out on Friday and hopefully on
14 Friday we can have some indication as to Mr. Hoffa's
15 condition and his availability.

16 MS. COLLINS: Okay. That is the only option
17 that he has.

18 I mean Friday, if he doesn't come what
19 other options would he have?

20 THE COURT: Who? Mr. Anderson?

21 MS. COLLINS: Yes.

22 THE COURT: Pick an option.

23 MS. COLLINS: I don't know. I am asking.

24 THE COURT: He can ask for another attorney. He

1 can ask for time to retain his own attorney.

2 He can request the Public Defender.

3 He can do just about anything.

4 MS. COLLINS: Okay.

5 THE COURT: But you understand my position and
6 the State's position? They were ready to go. All
7 their people were here.

8 I was ready. The Court was free for at
9 least two days where we felt it might take two days
10 to try the case and we were available to try the
11 case; okay?

12 MS. COLLINS: Okay.

13 THE COURT: Friday. All I can tell you is
14 Friday we will see where things stand.

15 MS. COLLINS: Thank you.

16 THE COURT: That will be order; 8/9/91.

17

18 (Which were all the proceedings had
19 at the hearing of the above-entitled
20 cause. Case continued to 8/9/91.)
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EXHIBIT 5

FILED

MAY 28 1992

AURELIA PULLEN
CLERK OF THE CIRCUIT COURT
CRIMINAL DIVISION

IN THE CIRCUIT COURT OF COOK COUNTY
COUNTY DEPARTMENT-CRIMINAL DIVISION

THE PEOPLE OF THE)
STATE OF ILLINOIS,) CASE NO. 90 11979
Plaintiff,) Criminal
vs.) Charge: Murder
TONY ANDERSON,)
Defendant.)

CHANGE OF PLEA

REPORT OF PROCEEDINGS of the hearing had before
the HONORABLE THEMIS N. KARNEZIS, Judge of said Court
on the 9th day of August, A.D. 1991.

APPEARANCES:

HONORABLE JACK O'MALLEY,
State's Attorney of Cook County, by:

MS. ADRIENNE MEBANE,
Assistant State's Attorney,
for the People of the State of Illinois.

MR. THOMAS HOFFA,
for the Defendant.

Shirley E. Thompson
Official Court Reporter
2650 South California Ave.
Chicago, Illinois 60608

1 WHEREUPON the following proceedings were had,
2 to-wit:

3 THE CLERK: The People of the State of Illinois
4 versus Tony Anderson.

5 THE COURT: What are we doing, Mr. Hoffa?

6 MR. HOFFA: Your Honor, pursuant to our conference
7 of July 26th and my conference with Mr. Anderson on July
8 30th Mr. Anderson wishes to change his pleas from not
9 guilty to guilty.

10 THE COURT: You can have a seat over there. I'm
11 going to need all these files.

12 Are these in any kind of order?

13 THE CLERK: Yes, sir.

14 THE COURT: Okay, let's see what we have here. I
15 need this one, this one, this one, --

16 Okay. Mr. Anderson, I have before me numerous
17 files and we will go through those with you individually.

18 First, and I am going through them numerically
19 but that may not make sense chronologically. Well, how
20 about if I do it chronologically?

21 I think you have -- I had a list
22 chronologically, didn't I? Let me see.

23 MR. HOFFA: Your Honor, on July 26th, I had --

24 THE COURT: Yes. That was your sheet, was that

1 chronologically, Mr. Hoffa?

2 MR. HOFFA: Yes, it was.

3 THE COURT: Now, if I can find that. I can't.

4 Well, let me do it this way. Let me do it
5 according to what I have written up here.

6 First of all, case number 90 - 11989 which
7 states in pertinent parts as follows:

8 It states that on or about March 8th, 1990 at
9 and within the County of Cook you, Tony Anderson,
10 committed the offense of armed robbery in that you by the
11 use of force and by threatening the use of force while
12 armed with a dangerous weapon took United States currency
13 and food stamps from the person and presence Gloria
14 Honnecker (phonetic).

15 To that charge do you wish to enter a plea?

16 MR. ANDERSON: Yes.

17 THE COURT: Do you wish to enter a plea?

18 MR. ANDERSON: Guilty.

19 THE COURT: What is the plea?

20 MR. ANDERSON: Guilty.

21 THE COURT: Case number 90 - 11986 states in a
22 pertinent part as follows:

23 It states that on or about March 17th, 1990 at
24 and within the County of Cook you, Tony Anderson,

1 committed the offense of attempt first degree murder in
2 that you without lawful justification with the intent to
3 commit the offense of first degree murder intentionally
4 and knowingly attempted to kill Jerome Wright by shooting
5 him in the body with a handgun.

6 To that count of that indictment do you wish
7 to enter a plea?

8 MR. ANDERSON: Yes, guilty.

9 THE COURT: Also count two of that -- what's the
10 State's position? There's also charges of -- there's also
11 a count of armed robbery in that one?

12 MS. MEBANE: Your Honor, as to the remaining charges
13 the State would nolle.

14 THE COURT: Very good. Thank you.

15 Next is 90 - 11988 which states that on or
16 about March 23rd, 1990 at and within the County of Cook
17 you committed the offense of armed robbery in that you by
18 the use of force or by threatening the imminent use of
19 force took, while armed with a dangerous weapon, took
20 United States currency from the person and presence of
21 Marva Hill (phonetic).

22 To that count of that indictment do you wish to
23 enter a plea?

24 MR. ANDERSON: Guilty.

1 THE COURT: Okay. Likewise as to the remaining
2 counts of that indictment, State?

3 MS. MEBANE: Your Honor, as to the remaining counts
4 the State would nolle'.

5 THE COURT: Very good.

6 MS. MEBANE: There is a armed robbery and I believe
7 there's two victims there.

8 THE COURT: Okay, as to Count Two we will go through
9 that one also.

10 Count Two states that on that same date you
11 committed that same offense in that you by the use of
12 force or by threatening the imminent use of force while
13 armed with a dangerous weapon you took United States
14 currency from the person and presence of Michelle Huerta,
15 H-U-E-R-T-A.

16 To that count do you wish to enter a plea?

17 MR. ANDERSON: Guilty, Your Honor.

18 THE COURT: Thank you.

19 In case number 90 11980 which states that on
20 or about March 30, 1990 at and within the County of Cook
21 you, Tony Anderson, committed the offense of armed robbery
22 in that you by the use of force or by threatening the
23 imminent use of force, while armed with a dangerous weapon
24 took United States currency and jewelry from the person

1 and presence of Verget Brand, B-R-A-N-D.

2 To that count of that indictment, do you wish
3 to enter a plea?

4 MR. ANDERSON: Guilty.

5 THE COURT: Thank you.

6 What's the State's position as to the remaining
7 counts of that indictment.

8 MS. MEBANE: Your Honor, I have others here.

9 Your Honor, I believe Count One may be an
10 armed violence count.

11 THE COURT: Yes.

12 Count two is the armed robbery that I have just
13 read.

14 MS. MEBANE: Armed robbery as to a Demetrius Cephus?

15 THE COURT: Yes.

16 MS. MEBANE: And a third --

17 THE COURT: A third count as to Mattie Cephus.

18 MS. MEBANE: After that Your Honor, as to all other
19 counts the State would nolle pros.

20 THE COURT: Okay. As to those additional counts,
21 Mr. Anderson, those counts I just read would your plea be
22 the same?

23 Your plea as to those counts; as to the armed
24 robbery of Demetrius Cephus, C-E-P-H-U-S and Mattie,

1 M-A-T-T-I-E, Cephus.

2 What is your plea as to those counts?

3 MR. ANDERSON: Guilty.

4 THE COURT: Thank you.

5 Next is 90 - 11979 which states that on or about
6 March 30 of 1990 at and within the County of Cook you,
7 Tony Anderson, committed the offense of first degree
8 murder in that you without lawful justification
9 intentionally and knowingly shot and killed Leonard Cox
10 with a gun.

11 To that count of that indictment do you wish to
12 enter a plea?

13 MR. ANDERSON: Yes. Guilty.

14 THE COURT: In case number 90 - 11991 it states that
15 on or about April 4th, 1990 at and within the County of
16 Cook you, Tony Anderson, committed the offense of armed
17 robbery in that you by threatening the imminent use of
18 force and while armed with a dangerous weapon took United
19 States currency and jewelry from the person and presence
20 of Stephanie Carter.

21 To that count do you wish to enter a plea?

22 MR. ANDERSON: Guilty.

23 THE COURT: Also, the next count indicating the same
24 offense committed against an Anita Ford Gilliam, F-O-R-D

1 G-I-L-L-I-A-M.

2 To that count do you wish to enter a plea?

3 MR. ANDERSON: Guilty.

4 THE COURT: Is that sufficient State or do you want
5 me to go through all of them?

6 MS. MEBANE: That's sufficient, Your Honor.

7 THE COURT: Very good.

8 That would be as to Counts two and three.

9 The next is Indictment number 90 - 11983 which
10 states that on or about April 7th, 1990 at and within the
11 County of Cook you, Tony Anderson, committed the offense
12 of attempt first degree murder in that you without lawful
13 justification and with the intent to commit the offense
14 of first degree murder intentionally and knowingly
15 attempted to kill Jeanette Lazzarotto, L-A-Z-Z-A-R-O-T-T-
16 O, by shooting her in the neck with a gun.

17 To that count of that indictment do you wish to
18 enter a plea?

19 MR. ANDERSON: Guilty.

20 THE COURT: In case 90 - 11987 it states that on or
21 about April 8th, 1990 at and within the County of Cook
22 you, Tony Anderson, together with another individual
23 committed the offense of armed robbery in that you and
24 each of you by the use of force and by threatening the

1 imminent use of force, while armed with a dangerous
2 weapon took jewelry and United States currency from the
3 person and presence of Lalit, L-A-L-I-T, Chheda, C-H-H-E-
4 D-A.

5 To that count of that indictment do you wish to
6 enter a plea?

7 MR. ANDERSON: Guilty.

8 THE COURT: In case 90 - 11990 which in it's
9 pertinent parts states that on or about April 15, 1990 at
10 and within the County of Cook you, Tony Anderson,
11 committed the offense of armed robbery in that you by the
12 use of force or by threatening the imminent use of force
13 while armed with a dangerous weapon took United States
14 currency from the person and presence of Caroline Byrd.

15 To that count of that indictment do you wish to
16 enter a plea?

17 MR. ANDERSON: Guilty.

18 THE COURT: In case number 90 C6 60648, -- I think
19 that may be an Information.

20 MS. MEBANE: It's an Information, Judge.

21 THE COURT: That's an Information, not an Indictment,
22 and that states in a pertinent part as follows:

23 It states that on or about April 17th, 1990 at
24 and within the County of Cook you, known in this case

1 anyway as Joseph McKenzie, committed the offense of armed
2 robbery in that you while armed with a dangerous weapon,
3 that is a .25 caliber semiautomatic pistol took Five
4 Hundred Thirty Dollars in United States currency from the
5 person and presence of Randy Stefani, S-T-E-F-A-N-I, by
6 the use of force or by threatening the imminent use of
7 force.

8 To that count of that Information do you wish to
9 enter a plea?

10 MR. ANDERSON: Yes. Guilty, Your Honor.

11 THE COURT: And finally, case number 90 - 11982.

12 That Indictment states in a pertinent part as
13 follows:

14 That on or about April 20, 1990 at and within
15 the County of Cook you, Tony Anderson, committed the
16 offense of attempt escape in that you while charged with
17 the felony of murder and with the intent to commit the
18 offense of escape took a substantial step toward the
19 commission of that escape, that is you attempted to
20 escape from the Chicago Police Department Central
21 Detention by physically and forcibly attempting to flee
22 from Central Detention when the door was open to admit
23 another prisoner.

24 To that count of that indictment do you wish to

1 enter a plea?

2 MR. ANDERSON: Guilty.

3 THE COURT: Before I accept your pleas of guilty in
4 these various matters I want to advise you of your rights
5 and attempt to determine if you understand them.

6 I have read the various counts of these various
7 indictments and/or informations to you.

8 Do you understand them?

9 MR. ANDERSON: Yes.

10 THE COURT: Do you understand that on a plea of
11 guilty to these counts of these indictments you could be
12 sentenced as follows:

13 As to the charge of first degree murder the
14 possible penalties are not less twenty nor more than sixty
15 years in the Illinois Department of Corrections or under
16 certain circumstances an extended term of not less than
17 sixty nor more than one hundred years in the Illinois
18 Department of Corrections.

19 As to the -- State, this is not a possible --
20 That was not a possible death penalty?

21 MS. MEBANE: No, Your Honor.

22 THE COURT: Okay. All right.

23 As to the counts of the charges of armed
24 robbery, the penalty is -- strike that.

1 Armed robbery and attempt murder, the possible
2 penalties on those charges are not less than six nor more
3 than thirty years in the Illinois Department of
4 Corrections or under circumstances an extended term of
5 not less than thirty nor more than sixty years.

6 Do you understand that?

7 MR. ANDERSON: Yes.

8 THE COURT: As to the count of attempt escape, I
9 believe that is a Class -- would that be a Class Four?

10 MR. HOFFA: Your Honor, that's a Class Three.

11 MS. MEBANE: Class three.

12 THE COURT: Class three. You're correct. The
13 possible penalties would be not less than two nor more
14 than five years or under certain circumstances an
15 extended term of not less than five nor more than ten
16 years.

17 On any of those cases you would be entitled
18 to good time credit of one day for each day served and
19 upon your release you would be subject to a period of
20 mandatory supervised release.

21 As to the Class X felonies I believe it is
22 a three year period of mandatory supervised release.
23 How about the first degree murder, is that also a three
24 years or is that four years?

1 MR. HOFFA: Three years.

2 THE COURT: Three years mandatory supervised
3 release. As to the Class Three felony a one year period
4 of mandatory supervised release.

5 Do you understand that?

6 MR. ANDERSON: Yes.

7 THE COURT: The only other possible penalty as to
8 the murder, attempt first degree and Class X, the other
9 Class Xs the armed robberies, would be a fine of up to
10 Ten Thousand Dollars.

11 As to the attempt escape the possible penalties
12 would also be probation or conditional discharge not to
13 exceed thirty months. Periodic imprisonment not to
14 exceed eighteen months and a fine of up to Ten Thousand
15 Dollars.

16 Do you understand that?

17 MR. ANDERSON: Yes.

18 THE COURT: Do you understand that as to each of
19 these matters you have a right to plead not guilty?

20 MR. ANDERSON: Yes.

21 THE COURT: Do you understand that by pleading guilty
22 you are going to be giving up certain rights. One of
23 those is your right to a jury trial.

24 Do you understand that?

1 MR. ANDERSON: Yes.

2 THE COURT: And you know what a jury trial is, do you
3 not, Mr. Anderson?

4 MR. ANDERSON: No. Tell me what it is, Judge?

5 THE COURT: Okay. A jury trial is where twelve
6 people from the community sit in those chairs right in
7 front of you, that you're looking at right now and they
8 decide --

9 Well, what do you think they do, those twelve
10 people?

11 MR. ANDERSON: Decide if you're guilty.

12 THE COURT: After they hear all the evidence they
13 decide one way or the other, correct?

14 MR. ANDERSON: The evidence, yes.

15 THE COURT: Now, you understand that by pleading
16 guilty there will be no jury trial. Do you understand
17 that?

18 MR. ANDERSON: Yes.

19 THE COURT: There will be no bench trial where a
20 judge decides.

21 Do you understand that?

22 MR. ANDERSON: Yes.

23 THE COURT: Okay. Has he executed jury waivers,
24 counsel?

1 MR. HOFFA: Not yet, Your Honor.

2 THE COURT: Okay. Are you choosing to waive -- you
3 understand that by pleading guilty and continuing in that
4 plea or please there will be no jury trial, right?

5 MR. ANDERSON: Yes.

6 THE COURT: Okay. Now, are you, Mr. Anderson, giving
7 up your right to a jury trial?

8 MR. ANDERSON: Yes.

9 THE COURT: Okay. Will you please have him execute
10 jury waivers as to each matter then, counsel.

11 MR. HOFFA: Very well, Your Honor.

12 THE COURT: Okay. We should have the blanks
13 somewhere, blank jury waiver forms.

14 THE CLERK: They are there up on that ledge.

15 (Whereupon the Defendant executed
16 jury waivers in open court.)

17 THE COURT: Mr. Anderson, we have before us waivers
18 of jury as to each of these matters signed by you in open
19 court before me. This is your wish, is that correct?

20 MR. ANDERSON: Yes.

21 THE COURT: Okay. Now, you understand that in
22 addition to giving up that right you're going to be giving
23 up some other rights.

24 You're going to be giving up your right to

1 remain silent. Your right to confront the witnesses
2 against you. Your right to cross examine them. Your
3 right to present evidence on your own behalf. Your right
4 to object to unreasonable searches and seizures and your
5 right to object to identification testimony.

6 Do you understand that?

7 Yes?

8 MR. ANDERSON: Yes.

9 THE COURT: Okay. In short there's not going to be
10 any trial whatsoever. There's not going to be a jury
11 trial. There's not going to be a bench trial. No
12 witnesses are going to be called.

13 Do you understand that?

14 MR. ANDERSON: Yes.

15 THE COURT: Now, you are aware of the fact that --
16 well no, let me preface that.

17 Are you pleading guilty in each of these cases
18 freely and voluntarily?

19 MR. ANDERSON: Yes.

20 THE COURT: Has anybody threatened you in any way?

21 MR. ANDERSON: No.

22 THE COURT: Anybody forcing you to plead guilty?

23 MR. ANDERSON: No.

24 THE COURT: You are aware of the fact that there were

1 some discussions, very lengthy discussions, between your
2 attorney, Mr. Hoffa, the assistant State's Attorney and
3 later I became involved in those discussions.

4 You understand that?

5 MR. ANDERSON: Yes.

6 THE COURT: At that time we discussed each and every
7 one of these cases. We discussed the facts in each case.
8 We discussed your background and it's no secret, which we
9 were somewhat familiar with and we discussed the total --
10 all of these cases and your background.

11 Do you understand that?

12 MR. ANDERSON: Yes.

13 THE COURT: And after those discussions the State
14 indicated that if you chose to plead guilty in these
15 matters that they would recommend a sentence as to the
16 murder of fifty years; as to the attempt first degree
17 murder and armed robbery counts a sentence of thirty
18 years and as to the attempt escape a sentence of five
19 years with all of those sentences to run concurrent or
20 together with each other but with that sentence of fifty
21 years to run -- and thirty years and all those to run
22 consecutive to sentences previously imposed in some other
23 cases.

24 Do you understand that?

1 MR. ANDERSON: Yes.

2 THE COURT: Did anybody make you any other promises?

3 MR. ANDERSON: No.

4 THE COURT: Any threats?

5 MR. ANDERSON: No.

6 THE COURT: Now, State, if you wish you can make a
7 factual statement. If not I can make it from my notes
8 from the conference. Whichever you prefer.

9 MS. MEBANE: I'll make it, Your Honor.

10 THE COURT: Go ahead.

11 MS. MEBANE: As to case number 90 11989 the State
12 would be proceeding on Count One, an armed robbery count.
13 The State would nolle all other counts.

14 The evidence would show that on the date of
15 March 8th, 1990 at four-twenty p.m. the Defendant before
16 the Court, Tony Anderson, entered a store located at
17 1008 East 76th Street in Chicago, Illinois, Cook County.

18 He initially entered the store, made a purchase.
19 After making the purchase he displayed a .25 caliber
20 handgun and announced a robbery.

21 Present in the store at that time was was one
22 Gloria Honecker who was working in that store. He
23 pointed that gun at Gloria Honecker, cocked the weapon and
24 demanded money. At that time he took One Hundred and

1 Forty-nine Dollars United States currency and food stamps
2 and he left the area.

3 He was later arrested, Your Honor, and
4 identified in a lineup. The witnesses were present and
5 would also identify him in open court if the matter were
6 to go to trial.

7 Also, Your Honor, later after being advised of
8 his rights he made an oral admission to the incident that
9 occurred on March 8th, 1990.

10 THE COURT: As to that count of that indictment are
11 those the facts to which you are pleading guilty,
12 Mr. Anderson?

13 MR. ANDERSON: Yes.

14 THE COURT: Okay. Next, State.

15 MS. MEBANE: As to case number 90 11986 the State
16 proceeding on Count One of that particular charge, Count
17 One being an attempt first degree murder. The State is
18 nolle'ing all other counts.

19 The evidence would show that on the date of
20 March 17th, 1990 at four forty-three p.m. the Defendant
21 before the Court known as Tony Anderson, was at a location
22 of 7543 South Ingleside, Chicago, Cook County, Illinois.
23 That he was with another male at that particular time;
24 an unknown male black.

1 That he at that time approached the victim in an
2 alley, the victim being Jerome Wright, who would identify
3 the Defendant in open court. There were no other
4 witnesses present at the time.

5 Tony Anderson displayed a handgun, a .25 caliber
6 handgun and shot the victim in the side. As the victim
7 was attempting to leave from that location. Tony Anderson
8 pursued him and shot him again in the stomach. After
9 that, Your Honor, the Defendant then fled.

10 He was later apprehended. At which time when he
11 was apprehended a .25 caliber handgun was, in fact,
12 recovered. He was identified in a lineup by the witness
13 present at the time of this particular incident on the
14 date of March 17th, 1990.

15 THE COURT: As to the facts -- as to that Count of
16 that Indictment, Mr. Anderson, are those the facts to
17 which you are pleading guilty?

18 MR. ANDERSON: Yes.

19 THE COURT: Next.

20 MS. MEBANE: As to case number 90 - 11988 the State
21 proceeding in this particular case as to counts --

22 THE COURT: I think it is two and three.

23 MS. MEBANE: Two and three, correct, Your Honor.

24 Counts Two and Three, the State nolleing all

1 other counts.

2 On the date of March 23rd of 1990 at six
3 o'clock p.m. the Defendant was at a location of 2928
4 East 87th Street in Chicago, Illinois, Cook County.

5 That he along with another male black entered
6 a Clark gas station at that particular location. Then he
7 displayed a handgun and announced a robbery. The gun he
8 displayed was a .25 caliber handgun;

9 That there were, in fact, a number of witnesses.
10 Present among those witnesses were Marvin Hill and a
11 Rochelle Huerta, H-U-E-R-T-A;

12 That those particular people, those two named
13 individuals worked at that Clark gas station;

14 That after he displayed the weapon he took Two
15 Hundred Dollars United States currency from the presence
16 of the individuals. They were then forced into a rear
17 room. Before he left he also took an amount of
18 cigarettes.

19 He was positively identified in a lineup by the
20 witnesses present at that particular time. The weapon
21 that was used was later recovered from the person or
22 presence of the Defendant on a later date.

23 All of the events occurred in Chicago, Illinois,
24 Cook County.

1 The Defendant would, in fact, be identified in
2 open court by all of the witnesses.

3 THE COURT: As to the facts -- as to those counts of
4 that indictment, Mr. Anderson, are those the facts to
5 which you are pleading guilty?

6 MR. ANDERSON: Yes.

7 THE COURT: Thank you.

8 Next?

9 MS. MEBANE: As to case 90 - 11980, I believe that
10 is the next one, is that correct, Your Honor?

11 THE COURT: Yes.

12 MS. MEBANE: The State, Your Honor, would take a
13 plea as to Counts Two, Three and Four in that particular
14 case.

15 THE COURT: Correct.

16 MS. MEBANE: The State nollees all other counts.

17 On the date of March 30th, 1990 at approximately
18 twelve-thirty p.m. in Chicago, Illinois, Cook County at a
19 location of 6215 South Wabash the Defendant, Tony
20 Anderson, who would be identified in open court by all of
21 the State's witnesses, approached the victim. The victims
22 were Bert Ram, Mattie Cephus and Demetrius Cephus, C-E-P-
23 H-U-S.

24 He approached the individuals as they were about

1 to enter their apartment. He placed a handgun to the
2 neck Bert Ram. He was then joined by a second male black
3 when they then forced their way into the apartment.

4 Once inside the apartment they made sure they
5 had all the occupants in one location. At that time they
6 took United States currency and jewelry belonging to the
7 occupants of the apartment and inquired as to the where-
8 abouts of Leonard Cott (phonetic).

9 The Defendant, Your Honor, on a later date was,
10 in fact, identified in a lineup by the witnesses present
11 at that particular time. He took from that location
12 approximately Two Hundred and Fifty Dollars currency and
13 miscellaneous jewelry.

14 He would be identified here in open court by
15 all the witnesses present at that time.

16 THE COURT: As to the facts of that case are those --
17 or to those counts of that indictment are those the facts
18 to which you are pleading guilty, Mr. Anderson?

19 MR. ANDERSON: Yes.

20 THE COURT: Thank you.

21 MS. MEBANE: Your Honor, I believe 90 11979 is the
22 next, is that correct?

23 THE COURT: Correct.

24 MS. MEBANE: Your Honor, as to that particular case

1 the State is proceeding as to Counts One and Two. As to
2 all remaining counts, Your Honor, including another count
3 of murder the State would be making a motion to nolle
4 pros.

5 Your Honor, the evidence would show that on the
6 date of March 30th, 1990 in Chicago, Illinois, Cook
7 County, at the location of 7313 South Green, the Defendant
8 before the Court, Tony Anderson, was present at that
9 particular location.

10 That also present at that location with him
11 was another male black; that he and this other male black
12 went to the door of an apartment at the location of 7313
13 South Green which was open and faced one Leonard Cox,
14 the deceased in this particular case.

15 The Defendant who is before you at that time
16 displayed a handgun. A .25 caliber black weapon. He
17 stated to Leonard Cox, "Nobody move" and then fired two
18 shots from the gun striking the victim, Leonard Cox in
19 the left chest causing the victim's death.

20 There would be testimony from witnesses who were
21 present at the time of this incident, Your Honor, as to
22 what occurred.

23 They would also identify the Defendant, Tony
24 Anderson, in open court.

1 Your Honor, in addition to that on the date of
2 April 18th, 1990 he was, in fact, arrested and found in
3 his possession and presence was, in fact, the same .25
4 caliber handgun used in this particular incident.

5 The Defendant, Your Honor, also on that
6 particular date -- strike that. On the date of April
7 19th, 1990 was, in fact, identified in a lineup and after
8 being advised of his rights, Your Honor, he did admit to
9 participation in the robbery that involved this particular
10 victim and this event that occurred on that particular
11 date which, in fact, Your Honor, involved the death of
12 the victim in this particular case.

13 THE COURT: As to that count of that indictment are
14 those the facts to which you are pleading guilty,
15 Mr. Anderson?

16 MR. ANDERSON: Yes.

17 THE COURT: Next.

18 MS. MEBANE: As to case number 90 - 11991 the State
19 would call to testify in that particular case a number of
20 witnesses, Your Honor, and the testimony of those
21 witnesses would be that on the date of April 4th, 1990 at
22 approximately seven oh five p.m. at the location at 1855
23 East 87th Street the Defendant in this courtroom,
24 Mr. Tony Anderson, entered the premises of Allison's

1 Beauty Salon along with another male black under the
2 pretense of purchasing some items.

3 At that particular time the Defendant looked
4 around the store and observed patrons in the store; that
5 after approximately five minutes he displayed a .25
6 caliber black handgun. He announced that it was a
7 robbery. He made all of the individuals who were in the
8 store lay down on the ground at which point in time he
9 took from all of those individuals the jewelry they had on
10 their persons.

11 He also took various amounts of United State
12 currency from those individuals He also, Your Honor,
13 after placing a gun to the head of one Amazon Smiley, the
14 owner of that particular establishment, he had her open
15 the safe and did, in fact, take various amounts of money
16 from that safe at that particular time.

17 Your Honor, I should indicate is, in fact,
18 proceeding as to, as I believe we earlier indicated,
19 Counts Two and Three of this particular case. The State
20 is nolleing all other counts.

21 THE COURT: Thank you.

22 MS. MEBANE: Your Honor, the Defendant and his
23 codefendant at that time did, in fact, flee. He was, in
24 fact, later apprehended, Your Honor, and recovered from

1 his presence was a .25 caliber handgun used in this
2 particular incident.

3 In addition to that, Your Honor, he was, in
4 fact, identified in a lineup by eight of the individuals.
5 One of those identifications, Your Honor, being a
6 tentative identification. The other seven identifications
7 being positive identifications as to this Defendant's
8 participation in that particular act.

9 In addition to that, Your Honor, after being
10 advised of his rights he, in fact, made a statement that
11 he was, in fact, involved in this incident as to those
12 counts.

13 THE COURT: As to those counts of that indictment,
14 Mr. Anderson, are those the facts to which you are
15 pleading guilty?

16 MR. ANDERSON: Yes.

17 MS. MEBANE: As to the next case, number 90 11983
18 the State is proceeding as to --

19 THE COURT: I think it is Count One.

20 MS. MEBANE: Count One of that particular indictment
21 and the State is nolleing all others.

22 On the date of April 7th, 1990 at approximately
23 two-forty p.m. at a location of 8658 South Ashland the
24 Defendant before the Court was, in fact, present in that

1 location being in Chicago, Illinois, Cook County;

2 That present at that location which is known as
3 Pot-O-Gold Liquors with another male black entered that
4 particular establishment on that date. Walked up the
5 counter pretending to make a purchase. At this time the
6 Defendant before the Court produced a small black handgun,
7 .25 caliber; strike that.

8 That the accomplice produced a small black
9 handgun and requested that the person operating the store
10 tender to him a certain amount of money;

11 That when she refused the Defendant produced a
12 second small handgun; small caliber handgun, and
13 approached the victim at the time and at that particular
14 time, while his codefendant was, in fact, struggling with
15 that victim, that being one Jeanette L-A-Z-Z-A-R-O-T-T-O,
16 shot her in the back of the neck with that particular gun
17 causing great bodily injury to her. Causing her to be
18 hospitalized for approximately a period of eight days,
19 Your Honor.

20 The Defendant would, in fact, be identified in
21 open court by the witnesses present at the time of this
22 particular offense.

23 THE COURT: As to that count of that indictment are
24 those the fact to which you are pleading, Mr. Anderson?

1 MR. ANDERSON: Yes.

2 MS. MEBANE: As to case number 90 - 11987 the State
3 is proceeding as to Count Two of that particular
4 indictment. The State nolleing all other charges.

5 On the date of April 8th, 1990 at approximately
6 five-twenty p.m. at a location of 1358 West 95th Street
7 in Chicago, Illinois, Cook County, the Defendant before
8 the Court, Tony Anderson, along with one Robert Allen
9 entered a store at that particular location. That
10 employee working in that store at that time was an
11 Al Chheda and a Gaysene Henderson, C-H-H-E-D-A, and
12 Gaysene is G-A-Y-S-E-N-E.

13 That at that particular time they walked around
14 the store and pretended as if they were making a
15 purchase. At first they approached Gaysene and took
16 from the register where she was working United States
17 currency. They prior to that produced a handgun. The
18 Defendant before the Court produced a small black
19 handgun. He and the codefendant also, both of them,
20 Your Honor, produced handguns while in the store.

21 The victims were, if fact, taken to the back
22 room where he was told to remain until he and the
23 Defendant's partner left; that there was also money
24 taken from the second cash register; that one being

1 operated by Gaysene Henderson.

2 Both Defendants displayed weapons at that time
3 and took United States currency from the registers.

4 The Defendant before the Court was positively
5 identified in a lineup by Mr. Chheda and the Defendant,
6 after having been advised of his rights, did admit to his
7 participation in this particular crime.

8 THE COURT: As to those counts of that indictment are
9 those the facts to which you are pleading guilty,
10 Mr. Anderson?

11 MR. ANDERSON: Yes.

12 MS. MEBANE: As to case number 90 - 11990, as to
13 that particular indictment the State is proceeding as
14 to Count One.

15 On the date of April 13th, 1990 at three-
16 nineteen p.m. at a location of 11127 South Halsted in
17 Chicago, Illinois, Cook County, this Defendant before
18 the Court, Tony Anderson, that he along with another male
19 black entered the liquor store at that particular
20 location;

21 That a .25 caliber black handgun was displayed
22 and that a robbery was announced.

23 The victim in this case was forced to the rear
24 of the store where the victim was threatened and searched.

1 The Defendant at that time forced the victim into the
2 bathroom and began to tear away her clothes. A customer
3 entered the store and the offenders fled taking with them
4 approximately Four Hundred Dollars United States currency
5 and miscellaneous jewelry.

6 On a later date, Your Honor, the Defendant was
7 identified in a lineup by all the witnesses who were
8 present. He also after being advised of his rights made
9 an oral statement as to his involvement in this particular
10 robbery.

11 He would, in fact, be identified by all
12 witnesses present at the time of that particular robbery.

13 THE COURT: As to that count of that indictment are
14 those the facts to which you are pleading guilty,
15 Mr. Anderson?

16 MR. ANDERSON: Yes.

17 THE COURT: Thank you.

18 Next.

19 MS. MEBANE: As to case number 90 C6 60648, as to
20 that particular information, Your Honor, the State would
21 be proceeding as to Count One.

22 THE COURT: It's Count One, isn't it?

23 MS. MEBANE: That's correct, Your Honor. The State
24 would be proceeding as to Count One.

1 Your Honor, on the date of April 17th, 1990 at
2 approximately one-seventeen p.m. the Defendant before the
3 Court, Joseph McKinzie, also known as Tony Anderson, was
4 at a location of 1301 West 127th Street, Calumet Park,
5 Cook County, Illinois;

6 That on that particular date he along with a
7 codefendant along with another male black entered a Clark
8 gas station and displayed a handgun.

9 The particular Defendant before the Court
10 displayed a .25 caliber black small handgun.

11 He then took from the victim present at that
12 particular location, a Randy Stefani, S-T-E-F-A-N-I and
13 Steven Muranski, M-U-R-A-N-S-K-I, first he took them into
14 an office, Your Honor, and handcuffed them to a pipe while
15 his co-offender took money from the cash register and
16 safe.

17 On a later date, Your Honor, the Defendant was
18 apprehended. He did, in fact, after being advised of his
19 rights, make a verbal confession or admission to his
20 involvement in this particular incident.

21 He was also identified by all witnesses present
22 in a lineup on that particular date, Your Honor. He would
23 be identified in open court by all witnesses as to that
24 particular offense.

1 THE COURT: As to that count of that indictment are
2 those the facts to which you are pleading guilty, sir?

3 MR. ANDERSON: Yes.

4 MS. MEBANE: As to case number 90 11982 the State
5 would be proceeding as to Count One. The State is
6 nolleing all other counts.

7 On the date of April 20th, 1990 at 307 a.m. at
8 location of 1121 South State Street, Chicago, Illinois,
9 Cook County, the Defendant before the Court, Tony
10 Anderson, was, in fact, present. At that time he was in
11 custody and charged with a felony and being detained
12 awaiting charges -- awaiting a preliminary hearing on
13 those particular charges.

14 After he requested to make a phone call he was
15 removed from his cell and brought to a secured area of the
16 station. As a prisoner was being brought into that
17 secured area this Defendant before the Court, Tony
18 Anderson, physically and forcibly tried to escape from
19 the secured area by trying to knock down and run past
20 a number of police officers in that particular area.

21 If all witnesses were called to testify they
22 would identify the Defendant in open court. He was, in
23 fact, subdued by Chicago police Sergeant Cray.

24 All of the events occurred in Chicago, Illinois,

1 Cook County.

2 As to each and every case he would be identified
3 in open court by all witnesses.

4 THE COURT: As to that count of that indictment,
5 Mr. Anderson, are those the facts to which you are
6 pleading guilty?

7 MR. ANDERSON: Yes.

8 THE COURT: I believe that concludes as far as
9 the facts.

10 Now, Mr. Anderson, knowing and understanding
11 that there will be no trial, no witnesses will be called,
12 are you persisting in continuing in your pleas of guilty
13 to the various counts of these various indictments or
14 informations?

15 MR. ANDERSON: Yes.

16 THE COURT: The record will reflect that the
17 Defendant has been advised of the consequences of his
18 pleas of guilty and after being so advised he continues
19 in the same.

20 The pleas will therefore be accepted and there
21 will be a finding of guilty in the manner and form as
22 charged in each indictment and or information and there
23 will be judgement on the finding as to case numbers
24 90-11989, the count of armed robbery; 11986, count of

1 attempt first degree murder; 11988, counts of armed
2 robbery; likewise as to 11980; as to 11979, first degree
3 murder; as to 11991, counts of armed robbery; as to 11983
4 to the count -- to the charge of attempt first degree
5 murder, 11987, the count of armed robbery; 11990, likewise
6 to armed robbery; as to 60648, likewise armed robbery and
7 11982 the count of attempt escape.

8 And as to each of those there will be a
9 judgement entered on the finding.

10 On a prior date we had ordered presentence
11 investigation in an unrelated matter. Do both sides
12 agree that the presentence will stand as the presentence
13 investigation as to these matters?

14 MS. MEBANE: State would agree, Your Honor.

15 MR. HOFFA: The Defense would agree.

16 THE COURT: Both sides ready in aggravation and
17 mitigation?

18 MS. MEBANE: Yes, Your Honor.

19 THE COURT: State?

20 MS. MEBANE: The State would rely on the conference.

21 THE COURT: Mr. Hoffa?

22 MR. HOFFA: Your Honor, I would like to point out
23 to the Court in just a few words that I think that
24 Mr. Anderson recognizes the evidence that is arraigned

1 against him by the State. I think that he is penitent
2 for these crimes for which he was involved.

3 I've nothing further to say, Your Honor.

4 THE COURT: Mr. Anderson, is there anything you would
5 like to say before this Court imposes sentence?

6 MR. ANDERSON: No.

7 THE COURT: I am sorry.

8 MR. ANDERSON: No.

9 THE COURT: Giving due consideration to the facts
10 of all of these cases, giving due consideration of all of
11 the other information presented to us both in aggravation
12 and mitigation during the conferences we feel that the
13 agreed dispositions are fair and reasonable.

14 We, therefore, sentence you as follows:

15 As to case number 90-11979 -- well, I might
16 precede that by saying this:

17 As to each of these sentences which I am now
18 going to state they will all be concurrent with each
19 other but each of them will be consecutive --

20 MS. MEBANE: I have the numbers for you, Your Honor.

21 90 CR 11984, --

22 THE COURT: And 85?

23 MS. MEBANE: Yes.

24 THE COURT: 11985; consecutive to the sentences

1 previously imposed in those cases and those sentences
2 will be as follows:

3 90 11979, fifty years Illinois Department of
4 Corrections.

5 90 11980, 83, 86, 87, 88, 89, 90, 91 and
6 66048, thirty years Illinois Department of Corrections
7 and as to case number 90 11982, five years in the
8 Illinois Department of Corrections.

9 I want to advise you that you have a right to
10 appeal the decision of this Court.

11 In order to perfect that right you must file
12 within thirty days a written motion asking to have the
13 judgment of this Court vacated and set aside. If that
14 motion is granted your pleas will be vacated and a trial
15 will be set.

16 If you are indigent a free copy of the
17 transcript of these proceedings will be provided. Also
18 an attorney.

19 Any points not set out in the Motion to vacate
20 your pleas of guilty will be deemed waived.

21 Do you understand that, Mr. Anderson?

22 MR. ANDERSON: Yes.

23 THE COURT: The filing of a Motion to Vacate your
24 pleas of guilty is a precursor. It must be filed prior to

1 you filing a Notice of Appeal in these matters.

2 Do you understand that?

3 MR. ANDERSON: Yes.

4 THE COURT: That will be the order. Thank you.

5 State, I'm going to respectfully suggest that
6 I'm going to get these mittimuses back unless we
7 specifically make them clear as to what we are doing
8 unless you can make them as clear as possible in your
9 pen letters.

10 (Conclusion of hearing.)

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